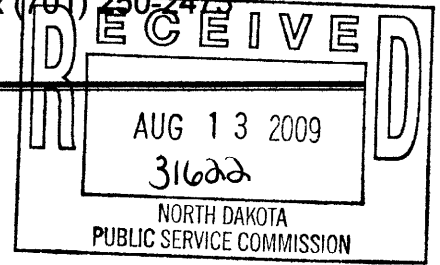


NORTHAMERICAN
COAL
CORPORATION
FALKIRK MINE

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



August 12, 2009

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

RE: Affidavit of Publication for Revision 13, NAFK-9601

Dear Mr. Deutsch:

Please find enclosed copies of the Affidavit of Publication for Revision 13 to Permit NAFK-9601. The Legal Ad was published on June 11th, 18th, 25th, and July 2nd in The Bismarck Tribune, The Underwood News, The McLean County Independent and The Washburn Leader News.

If you have any questions or comments, please contact me at 250-2424 or e-mail me at diana.edinger@falkirk.com.

Sincerely,

THE FALKIRK MINING COMPANY

A handwritten signature in cursive script that reads "Diana G. Edinger".

Diana G. Edinger
Executive Assistant

DGE
Attachments

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

The Bismarck Tribune

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The Finder

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THE FALKIRK MINING COMPANY

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07/12/09	20375096	INV	4,680.00

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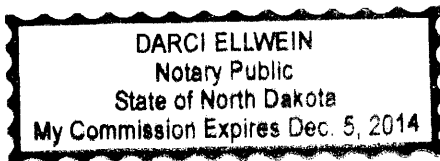
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06/11/09	07/02/09	4	Revision 13 to NAFK-9601/60412 3 Bismarck Tribune	564.00	Legals	4,680.00	4,680.00

Affidavit of Publication
State of North Dakota) SS. County of Burleigh
Before me, a Notary Public for the State of North Dakota
personally appeared [Signature] who being duly sworn, deposes
and says that he (she) is the Clerk of Bismarck Tribune Co.,
and that the publication(s) were made through the
Bismarck Tribune on the following dates:
July 13, 2009. Signed [Signature]
sworn and subscribed to before me this 11
day of July, 2009.
[Signature]
Notary Public in and for the State of North Dakota



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NOTICE OF A FILING TO REVISE A PERMIT

The Falkirk Mining Company (Falkirk), P.O. Box 1087, Underwood, ND 58576, has filed an application to revise Surface Coal Mining Permit NAFK-9601. The revision application modifies the reclamation and post-mining land use plans on 428 acres of land surrounding Coal Lake in the W/2 of Section 25, the SE/4 of Section 26 and the N/2NE/4 of Section 35 in Township 146N, Range 82W of the NAFK-9601 permit area. These lands are part of a 730-acre tract that Falkirk and Great River Energy (GRE) have agreed to transfer to the North Dakota Department of Transportation (NDDOT) to facilitate the mitigation of 1,217 acres of No-Mow acres within McLean County (County). The transfer agreement grants the North Dakota Game and Fish Department (NDGFD) management of these lands primarily for recreational uses including wildlife production and compatible public uses.

The owners of the surface and coal in the permit area are as follows:

TRACT 1

T146N-R81W-Section 30:
SURFACE OWNERSHIP:
COAL OWNERSHIP:
Revocable Trust dated 2-18-93

N1/2NE1/4

James H. Sheldon
Eleanor H. Sheldon, as Trustee of the Eleanor H. Sheldon

TRACT 2

T146N-R81W-Section 30:
SURFACE OWNERSHIP:
COAL OWNERSHIP:

S1/2NE1/4

Eleanor S. Sheldon and the Orlen H. Sheldon Trust
Eleanor S. Sheldon and the Orlen H. Sheldon Trust
George Sheldon
Linnea Sheldon Schaible
Richard Sheldon
Andrea Holtan

TRACT 3

T146N-R81W-Section 30:
SURFACE OWNERSHIP:
COAL OWNERSHIP:

Lots 1, 2, 3, E1/2NW1/4, NE1/4SW1/4

The Falkirk Mining Company
North American Baptists, Inc.
Donald V. Koenig
Robert L. Koenig
Eilene J. Doble
James S. Koenig
Joy A. Person

TRACT 4

T146N-R81W-Section 30:
SURFACE OWNERSHIP:
COAL OWNERSHIP:
Bureau of Land Management

Lot 4, SE1/4SW1/4, S1/2SE1/4

The Falkirk Mining Company
U.S. Department of Interior -

TRACT 5

T146N-R81W-Section 30:
SURFACE OWNERSHIP:
COAL OWNERSHIP:

N1/2SE1/4

The Falkirk Mining Company
The Falkirk Mining Company

TRACT 6

T146N-R81W-Section 31:
SURFACE OWNERSHIP:
COAL OWNERSHIP:
Trust Agreement dated 10-10-90

Lots 1, 2, E1/2NW1/4, NE1/4

The Falkirk Mining Company
Jerry H. Johnson, as Trustee under that certain

Larry Schauer
Roger Hailey
Doris E. Rieke
The Estate of Arthur L. Wilson
Violet Thompson
Etta Baker
Edna Lund
Allen E. Schauer
Janice Blegen
Richard W. Schauer
Jim Goehring

Jerry Johnson
Lloyd Hailey
Donald W. Wilson

Lois Davis
Patricia Upton
Lola Gunderson
Daniel Maloney
Keith Maloney
Dawn Breen
Sandra Roddy
Marjorie E. Schaaf
Luella Burrowes
Gladys Freidig
Ruby Kroll
Quentin Goehring
Margaret Grothe
Joyce Stearns
Thomas F. Hailey
Garry Schauer
Margo Johnson
Jill Johnson-LaCroix
Tracy Jo Sullivan
Vonnie Kay Johnson
Kim Johnson Hill
Keith A. Prince
The Estate of Tobias Birkholz
Naomi Sparks
Johnny Yasuyoshi Hailey

TRACT 7

T146N-R81W-Section 31:
SURFACE OWNERSHIP:
COAL OWNERSHIP:

Lots 3, 4, E1/2SW1/4, SE1/4, less Lot B and less a 0.028 acre tract

The Falkirk Mining Company
Allen Ray Saylor
Barbara Laine Dentz
Rodney Lee Saylor
David Lynn Saylor
Diane Kay Schell
Susan Ann VanAsperen
Richard Roy Saylor
Ronald Jay Saylor
The State of North Dakota - State Land Department

TRACT 8

T146N-R81W-Section 31:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

TRACT 9

T146N-R82W-Section 25:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

TRACT 10

T146N-R82W-Section 25:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

TRACT 11

T146N-R82W-Section 25:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

TRACT 12

T146N-R82W-Section 25:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

TRACT 13

T146N-R82W-Section 25:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

TRACT 14

T146N-R82W-Section 25:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

TRACT 15

T146N-R82W-Section 26:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

TRACT 16

T146N-R82W-Section 35:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

TRACT 16A

T146N-R82W-Section 35:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

TRACT 17

T146N-R82W-Section 35:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

TRACT 18

TRACT 18A

TRACT 19

T146N-R82W-Section 36:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

Revocable Trust dated 9-4-92

TRACT 20

T146N-R82W-Section 36:

SURFACE OWNERSHIP:
COAL OWNERSHIP:

Lot B described as follows: Beginning at the SW corner of Section 31; thence N 00°01'26" W, along the west line of Section 31, a distance of 2638.29 feet; thence N 89°56'51" E, along the east-west quarter line of Section 31, a distance of 587.10 feet; thence S 00°24'45" W, a distance of 2638.90 feet, to the south line of Section 31; thence N 90°00'00" W, a distance of 567.0 feet to the point of beginning, containing 34.95 acres, more or less.

The Falkirk Mining Company
Allen Ray Saylor
Barbara Laine Dentz
Rodney Lee Saylor
David Lynn Saylor
Diane Kay Schell
Susan Ann VanAsperen
Richard Roy Saylor
Ronald Jay Saylor
The State of North Dakota - State Land Department

NE1/4, N1/2SE1/4

The Falkirk Mining Company
Washburn Trust No. 1

Lots 1, 2, SE1/4NW1/4

The Falkirk Mining Company
The Falkirk Mining Company

N1/2SW1/4, SW1/4SW1/4

The Falkirk Mining Company
Washburn Trust No. 1

SE1/4SW1/4

The Falkirk Mining Company
Washburn Trust No. 1

N1/2S1/2SE1/4

The Falkirk Mining Company
Washburn Trust No. 1

S1/2S1/2SE1/4

The Falkirk Mining Company
Washburn Trust No. 1

Lot 3, W1/2SE1/4, SE1/4SE1/4

The Falkirk Mining Company
Robert A. Sitz and Jean Sitz
Gordon O. Olson and Ellen Olson
Richard C. Lord and Myrna K. Lord
George M. Ackre and Susan R. Ackre
Michael R. Berg
Steven Berg
Kathryn Anderson
Marcia Blotske
Julie Love
Ruby C. Britton
Janet G. Britton
Barbara C. Braun
Renee C. Thorp

S1/2NE1/4

The Falkirk Mining Company
Washburn Trust No. 1

N1/2NE1/4

The Falkirk Mining Company
Washburn Trust No. 1

SW1/4

Ricky D. Tweeten and Laura J. Tweeten
Mikdarb Irrevocable Trust dated 3-27-96
Incorporated into adjacent lands.
Incorporated into adjacent lands.

E1/2

The Falkirk Mining Company
Erna M. Sauer, as Trustee of the Erna M. Sauer

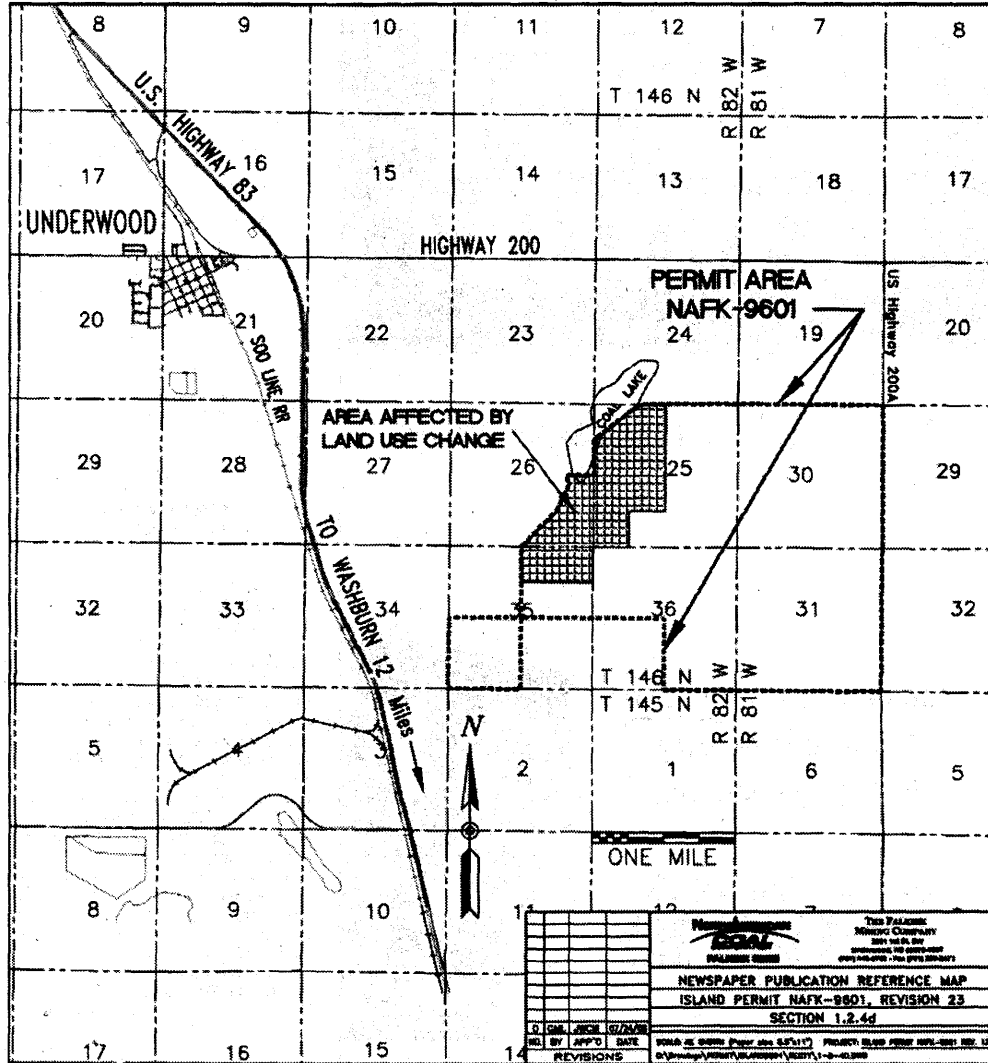
NW1/4

The Falkirk Mining Company
Roland W. Koenig and Sharon J. Koenig
Roland W. Koenig, as Trustee of the Martha Koenig Trust UAD 11-15-73

A copy of the application for a surface coal mining permit is available for public inspection at the offices of the North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota and at the offices of the County Auditor, McLean County Courthouse, Washburn, North Dakota.

Written comments, objections of requests for informal conferences on the application may be submitted by any person with an interest which is or may be adversely affected to the North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota, within 30 days after the last publication of this notice.

The Falkirk Mining Company
 2801 1st Street SW
 P.O. Box 1087
 Underwood, ND 58576-1087



6/11,28,25 & 7/2- 604123

Notice of a filing to revise a permit

The Falkirk Mining Company (Falkirk), P.O. Box 1087, Underwood, ND 58576, has filed an application to revise Surface Coal Mining Permit NAFK-9601. The revisor application modifies the reclamation and post-mining land use plans on 428 acres of land surrounding Coal Lake in the W $\frac{1}{2}$ of Section 25, the SE $\frac{1}{4}$ of Section 26 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 35 in Township 146N, Range 82W of the NAFK-9601 permit area. These lands are part of a 730-acre tract that Falkirk and Great River Energy (GRE) have agreed to transfer to the North Dakota Department of Transportation (NDDOT) to facilitate the mitigation of 1,217 acres of No-Mow acres within McLearn County (County). The transfer agreement grants the North Dakota Game and Fish Department (NDGFD) management of these lands primarily for recreational uses including wildlife production and compatible public uses.

The owners of the surface and coal in the permit area are as follows:

TRACT 1

T146N-R81W- Section 30:

Surface Ownership:

Coal Ownership:

N $\frac{1}{2}$ NE $\frac{1}{4}$

James H. Sheldon

Eleanor H. Sheldon, as Trustee of the Eleanor H. Sheldon Revocable Trust dated 2-18-93

TRACT 2

T146N-R81W-Section 30:

Surface Ownership:

Coal Ownership:

S $\frac{1}{2}$ NE $\frac{1}{4}$

Eleanor S. Sheldon and the Orlen H. Sheldon Trust

Eleanor S. Sheldon and the Orlen H. Sheldon Trust

George Sheldon

Linnea Sheldon Schaible

Richard Sheldon

Andrea Holtan

TRACT 3

T146N-R81W-Section 30:

Surface Ownership:

Coal Ownership:

Lots 1, 2, 3, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

The Falkirk Mining Company

North American Baptists, Inc.

Donald V. Koenig

Robert L. Koenig

Eilene J. Doble

James S. Koenig

Joy A. Person

TRACT 4

T146N-R81W-Section 30:

Surface Ownership:

Coal Ownership:

Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

The Falkirk Mining Company

U.S. Department of Interior - Bureau of Land Management

TRACT 5

T146N-R81W-Section 30:

Surface Ownership:

Coal Ownership:

N $\frac{1}{2}$ SE $\frac{1}{4}$

The Falkirk Mining Company

The Falkirk Mining Company

TRACT 6

T146N-R81W-Section 31:

Surface Ownership:

Coal Ownership:

Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$

The Falkirk Mining Company

Jerry H. Johnson, as Trustee under that certain Trust Agreement dated 10-10-90

Larry Schauer

Roger Hailey

Doris E. Rieke

The Estate of Arthur L. Wilson

Violet Thompson

Etta Baker

Edna Lund

Allen E. Schauer

Janice Blegen

Richard W. Schauer

Jim Goehring

Jerry Johnson

Lloyd Hailey

Donald W. Wilson

Lois Davis

Patricia Upton

Lola Gunderson

Daniel Maloney

Keith Maloney

Dawn Breen

Sandra Roddy

Marjorie E. Schaaf

Luella Burrowes

Gladys Freidig

Ruby Kroll

Quentin Goehring

Margaret Grothe

Joyce Stearns

Thomas F. Hailey

Garry Schauer

Margo Johnson

Jill Johnson-LaCroix

Tracy Jo Sullivan

Vonnie Kay Johnson
Kim Johnson Hill
Keith A. Prince
The Estate of Tobias Birkholz
Naomi Sparks
Johnny Yasuyoshi Hailey

TRACT 7
T146N-R81W-Section 31:
Surface Ownership:
Coal Ownership:

Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, less Lot B and less a 0.028 acre tract
The Falkirk Mining Company
Allen Ray Saylor
Barbara Laine Dentz
Rodney Lee Saylor
David Lynn Saylor
Diane Kay Schell
Susan Ann VanAsperen
Richard Roy Saylor
Ronald Jay Saylor
The State of North Dakota - State Land Department

TRACT 8
T146N-R81W-Section 31:

Lot B described as follows: Beginning at the SW corner of Section 31; thence N 00°01'26" W, along the west line of Section 31, a distance of 2638.29 feet; thence N 89°56'51" E, along the east-west quarter line of Section 31, a distance of 587.10 feet; thence S 00°24'45" W, a distance of 2638.90 feet, to the south line of Section 31; thence N 90°00'00" W, a distance of 567.0 feet to the point of beginning, containing 34.95 acres, more or less.

Surface Ownership:
Coal Ownership:

The Falkirk Mining Company
Allen Ray Saylor
Barbara Laine Dentz
Rodney Lee Saylor
David Lynn Saylor
Diane Kay Schell
Susan Ann VanAsperen
Richard Roy Saylor
Ronald Jay Saylor
The State of North Dakota - State Land Department

TRACT 9
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 10
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

Lots 1, 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$
The Falkirk Mining Company
The Falkirk Mining Company

TRACT 11
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 12
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

SE $\frac{1}{4}$ SW $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 13
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 14
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 15
T146N-R82W-Section 26:
Surface Ownership:
Coal Ownership:

Lot 3, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
The Falkirk Mining Company
Robert A. Sitz and Jean Sitz
Gordon O. Olson and Ellen Olson
Richard C. Lord and Myrna K. Lord
George M. Ackre and Susan R. Ackre
Michael R. Berg
Steven Berg
Kathryn Anderson
Marcia Blotske
Julie Love
Ruby C. Britton
Janet G. Britton
Barbara C. Braun
Renee C. Thorp

TRACT 16
T146N-R82W-Section 35:
Surface Ownership:
Coal Ownership:

S½NE¼
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 16A
T146N-R82W-Section 35:
Surface Ownership:
Coal Ownership:

N½NE¼
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 17
T146N-R82W-Section 35:
Surface Ownership:
Coal Ownership:

SW¼
Ricky D. Tweeten and Laura J. Tweeten
Mikdarb Irrevocable Trust dated 3-27-96

TRACT 18

Incorporated into adjacent lands.

TRACT 18A

Incorporated into adjacent lands.

TRACT 19
T146N-R82W-Section 36:
Surface Ownership:
Coal Ownership:

E½
The Falkirk Mining Company
Erna M. Sauer, as Trustee of the Erna M. Sauer Revocable Trust dated 9-4-92

TRACT 20
T146N-R82W-Section 36:
Surface Ownership:
Coal Ownership:

NW¼
The Falkirk Mining Company
Roland W. Koenig and Sharon J. Koenig
Roland W. Koenig, as Trustee of the Martha Koenig Trust UAD 11-15-73

A copy of the application for a surface coal mining permit is available for public inspection at the offices of the North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota and at the offices of the County Auditor, McLean County Courthouse, Washburn, North Dakota.

Written comments, objections or requests for informal conferences on the application may be submitted by any person with an interest which is or may be adversely affected to the North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota, within 30 days after the last publication of this notice.

The Falkirk Mining Company

LN June 11, 18, 25, July 2, 2009

RECEIVED JUL 29 2009

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)
)
) SS
COUNTY OF McLean)

I SHELLEY CHASE, being first duly sworn, on my own oath, say, that I am the bookkeeper of the Underwood News, a weekly newspaper of general circulation, published in the city of Underwood, that the advertisement headed:

FALKIRK MINING CO UN-NOTICE OF FILING TO REVISE A PERMIT/LEGAL

a printed copy of which is here annexed, was published in the regular and entire issue of said newspaper during the period and time of publication, and that the notice was published in the newspaper proper, and not in a supplement,

for 4 consecutive week 07/02/2009 to wit:

Column Inches 134	\$5.41	\$703.50	06/11/2009
Column Inches 134	\$5.41	\$703.50	06/18/2009
Column Inches 134	\$5.41	\$703.50	06/25/2009
Column Inches 134	\$5.41	\$703.50	07/02/2009 ✓

Notary Fee \$1.00 ✓ Total Cost of Legal \$2,815.00

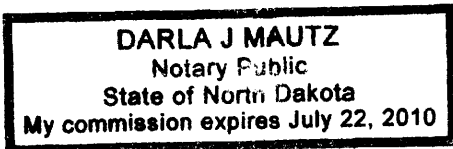
Shelley Chase

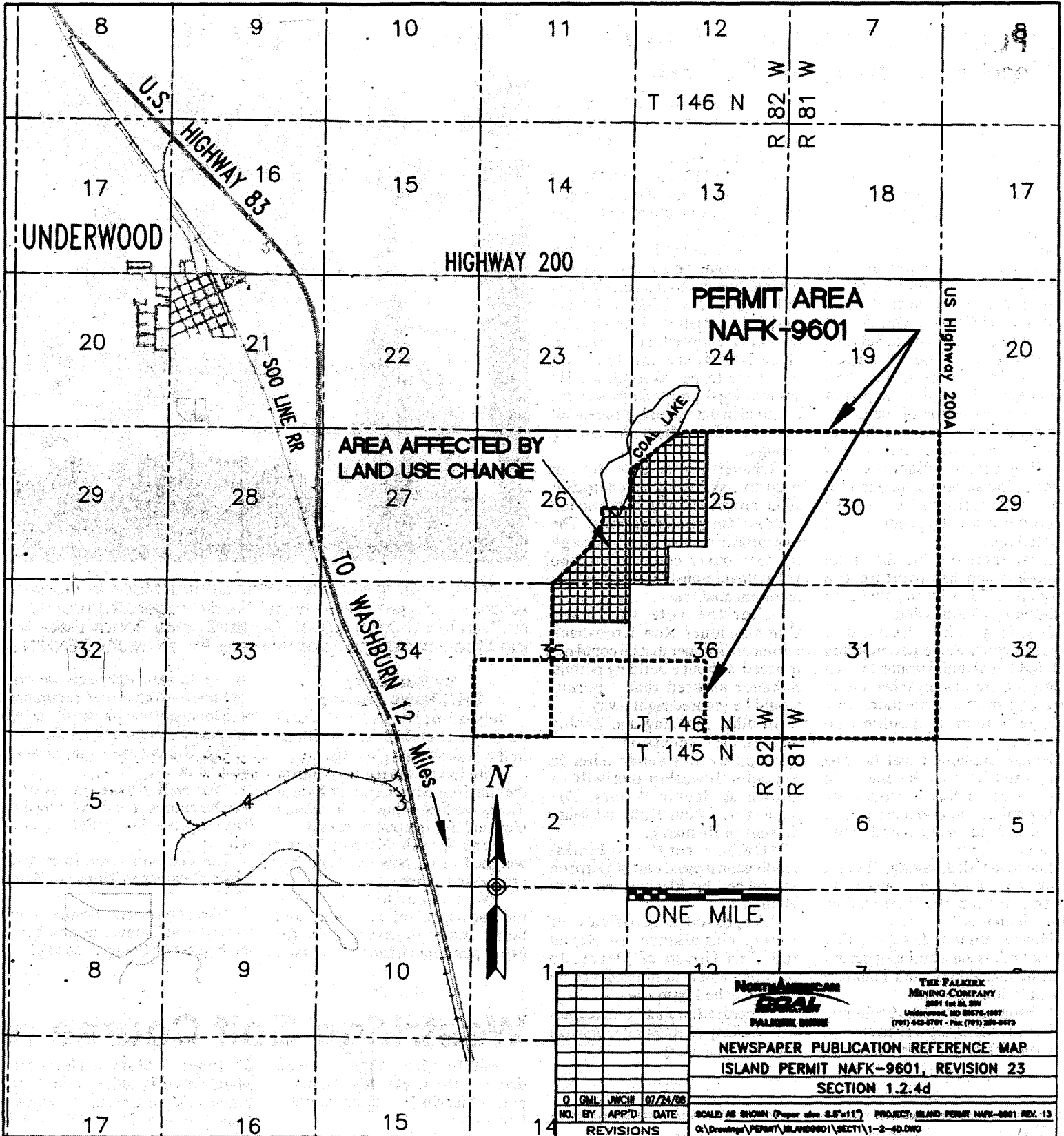
Subscribed and sworn to before me this 14th day of July A.D. 2009.

(Seal) Darla J. Mautz

Notary Public, State of North Dakota

My Commission Expires





				 THE FALKIRK MINING COMPANY 2001 1st St SW Underwood, ND 58076-0907 (701) 643-3791 - Fax (701) 289-2473	
NEWSPAPER PUBLICATION REFERENCE MAP ISLAND PERMIT NAFK-9601, REVISION 23 SECTION 1.2.4d					
0	GML	JWCH	07/24/08	SCALE AS SHOWN (Paper size 8.5"x11") PROJECT: ISLAND PERMIT NAFK-9601 REV. 13 G:\Drawings\PERMIT\ISLAND9601\SECT1\1-2-4D.DWG	
NO.	BY	APP'D	DATE		
REVISIONS					

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The owners of the surface and coal in the permit area are as follows:

TRACT 1

T146N-R81W- Section 30:

Surface Ownership:

Coal Ownership:

N $\frac{1}{2}$ NE $\frac{1}{4}$

James H. Sheldon

Eleanor H. Sheldon, as Trustee of the Eleanor H. Sheldon Revocable Trust dated 2-18-93

TRACT 2

T146N-R81W-Section 30:

Surface Ownership:

Coal Ownership:

S $\frac{1}{2}$ NE $\frac{1}{4}$

Eleanor S. Sheldon and the Orlen H. Sheldon Trust

Eleanor S. Sheldon and the Orlen H. Sheldon Trust

George Sheldon

Linnea Sheldon Schaible

Richard Sheldon

Andrea Holtan

TRACT 3

T146N-R81W-Section 30:

Surface Ownership:

Coal Ownership:

Lots 1, 2, 3, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

The Falkirk Mining Company

North American Baptists, Inc.

Donald V. Koenig

Robert L. Koenig

Eilene J. Doble

James S. Koenig

Joy A. Person

TRACT 4

T146N-R81W-Section 30:

Surface Ownership:

Coal Ownership:

Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

The Falkirk Mining Company

U.S. Department of Interior - Bureau of Land Management

TRACT 5

T146N-R81W-Section 30:

Surface Ownership:

Coal Ownership:

N $\frac{1}{2}$ SE $\frac{1}{4}$

The Falkirk Mining Company

The Falkirk Mining Company

TRACT 6

T146N-R81W-Section 31:

Surface Ownership:

Coal Ownership:

Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$

The Falkirk Mining Company

Jerry H. Johnson, as Trustee under that certain Trust Agreement dated 10-10-90

Larry Schauer

Roger Hailey

Doris E. Rieke

The Estate of Arthur L. Wilson

Violet Thompson

Etta Baker

Edna Lund

Allen E. Schauer

Janice Blegen

Richard W. Schauer

Jim Goehring

Jerry Johnson

Lloyd Hailey

Donald W. Wilson

Lois Davis

Patricia Upton

Lola Gunderson

Daniel Maloney

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Marjorie E. Schaaf

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Gladys Freidig

Ruby Kroll

Quentin Goehring

Margaret Grothe

Joyce Stearns

Thomas F. Hailey

Garry Schauer

Margo Johnson
Jill Johnson-LaCroix
Tracy Jo Sullivan
Vonnie Kay Johnson
Kim Johnson Hill
Keith A. Prince
The Estate of Tobias Birkholz
Naomi Sparks
Johnny Yasuyoshi Hailey

TRACT 7
T146N-R81W-Section 31:
Surface Ownership:
Coal Ownership:

Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, less Lot B and less a 0.028 acre tract
The Falkirk Mining Company
Allen Ray Saylor
Barbara Laine Dentz
Rodney Lee Saylor
David Lynn Saylor
Diane Kay Schell
Susan Ann VanAsperen
Richard Roy Saylor
Ronald Jay Saylor
The State of North Dakota - State Land Department

TRACT 8
T146N-R81W-Section 31:

Lot B described as follows: Beginning at the SW corner of Section 31; thence N 00°01'26" W, along the west line of Section 31, a distance of 2638.29 feet; thence N 89°56'51" E, along the east-west quarter line of Section 31, a distance of 587.10 feet; thence S 00°24'45" W, a distance of 2638.90 feet, to the south line of Section 31; thence N 90°00'00" W, a distance of 567.0 feet to the point of beginning, containing 34.95 acres, more or less:

Surface Ownership:
Coal Ownership:

The Falkirk Mining Company
Allen Ray Saylor
Barbara Laine Dentz
Rodney Lee Saylor
David Lynn Saylor
Diane Kay Schell
Susan Ann VanAsperen
Richard Roy Saylor
Ronald Jay Saylor
The State of North Dakota - State Land Department

TRACT 9
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 10
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

Lots 1, 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$
The Falkirk Mining Company
The Falkirk Mining Company

TRACT 11
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 12
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

SE $\frac{1}{4}$ SW $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 13
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 14
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 15

T146N-R82W-Section 26:
Surface Ownership:
Coal Ownership:

Lot 3, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
The Falkirk Mining Company
Robert A. Sitz and Jean Sitz
Gordon O. Olson and Ellen Olson
Richard C. Lord and Myrna K. Lord
George M. Ackre and Susan R. Ackre
Michael R. Berg
Steven Berg
Kathryn Anderson
Marcia Blotske
Julie Love
Ruby C. Britton
Janet G. Britton
Barbara C. Braun
Renee C. Thorp

TRACT 16

T146N-R82W-Section 35:
Surface Ownership:
Coal Ownership:

S $\frac{1}{2}$ NE $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 16A

T146N-R82W-Section 35:
Surface Ownership:
Coal Ownership:

N $\frac{1}{2}$ NE $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 17

T146N-R82W-Section 35:
Surface Ownership:
Coal Ownership:

SW $\frac{1}{4}$
Ricky D. Tweeten and Laura J. Tweeten
Mikdarb Irrevocable Trust dated 3-27-96

TRACT 18

Incorporated into adjacent lands.

TRACT 18A

Incorporated into adjacent lands.

TRACT 19

T146N-R82W-Section 36:
Surface Ownership:
Coal Ownership:

E $\frac{1}{2}$
The Falkirk Mining Company
Erna M. Sauer, as Trustee of the Erna M. Sauer Revocable Trust dated 9-4-92

TRACT 20

T146N-R82W-Section 36:
Surface Ownership:
Coal Ownership:

NW $\frac{1}{4}$
The Falkirk Mining Company
Roland W. Koenig and Sharon J. Koenig
Roland W. Koenig, as Trustee of the Martha Koenig Trust UAD 11-15-73

A copy of the application for a surface coal mining permit is available for public inspection at the offices of the North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota and at the offices of the County Auditor, McLean County Courthouse, Washburn, North Dakota.

Written comments, objections or requests for informal conferences on the application may be submitted by any person with an interest which is or may be adversely affected to the North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota, within 30 days after the last publication of this notice.

The Falkirk Mining Company

LN, UN, IND June 11, 18, 25, July 2, 2009

Notice of a filing to revise a permit

The Falkirk Mining Company (Falkirk), P.O. Box 1087, Underwood, ND 58576, has filed an application to revise Surface Coal Mining Permit NAFK-9601. The revision application 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 Township 146N, Range 82W of the NAFK-9601 permit area. These lands are part of a 730-acre tract that Falkirk and Great River Energy (GRE) have agreed to transfer to the North Dakota Department of Transportation (NDDOT) to facilitate the mitigation of 1,217 acres of No-Mow acres within McLean County (County). The transfer agreement grants the North Dakota Game and Fish Department (NDGFD) management of these lands primarily for recreational uses including wildlife production and compatible public uses.

The owners of the surface and coal in the permit area are as follows:

TRACT 1

T146N-R81W- Section 30:

Surface Ownership:

Coal Ownership:

TRACT 2

T146N-R81W-Section 30:

Surface Ownership:

Coal Ownership:

N½NE¼

James H. Sheldon

Eleanor H. Sheldon, as Trustee of the Eleanor H. Sheldon Revocable Trust dated 2-18-93

S½NE¼

Eleanor S. Sheldon and the Orlen H. Sheldon Trust

Eleanor S. Sheldon and the Orlen H. Sheldon Trust

George Sheldon

Linnea Sheldon Schaible

Richard Sheldon

Andrea Holtan

TRACT 3

T146N-R81W-Section 30:

Surface Ownership:

Coal Ownership:

Lots 1, 2, 3, E½NW¼, NE¼SW¼

The Falkirk Mining Company

North American Baptists, Inc.

Donald V. Koenig

Robert L. Koenig

Eilene J. Doble

James S. Koenig

Joy A. Person

TRACT 4

T146N-R81W-Section 30:

Surface Ownership:

Coal Ownership:

Lot 4, SE¼SW¼, S½SE¼

The Falkirk Mining Company

U.S. Department of Interior - Bureau of Land Management

TRACT 5

T146N-R81W-Section 30:

Surface Ownership:

Coal Ownership:

N½SE¼

The Falkirk Mining Company

The Falkirk Mining Company

TRACT 6

T146N-R81W-Section 31:

Surface Ownership:

Coal Ownership:

Lots 1, 2, E½NW¼, NE¼

The Falkirk Mining Company

Jerry H. Johnson, as Trustee under that certain Trust Agreement dated 10-10-90

Larry Schauer

Roger Hailey

Doris E. Rieke

The Estate of Arthur L. Wilson

Violet Thompson

Etta Baker

Edna Lund

Allen E. Schauer

Janice Blegén

Richard W. Schauer

Jim Goehring

Jerry Johnson

Lloyd Hailey

Donald W. Wilson

Lois Davis

Patricia Upton

Lola Gunderson

Daniel Maloney

Keith Maloney

Dawn Breen

Sandra Roddy

Marjorie E. Schaaf

Luella Burrowes

Gladys Freidig

Ruby Kroll

Quentin Goehring

Margaret Grothe

Joyce Stearns

Thomas F. Hailey

Garry Schauer

Margo Johnson

Jill Johnson-LaCroix

Tracy Jo Sullivan

Vonnie Kay Johnson
Kim Johnson Hill
Keith A. Prince
The Estate of Tobias Birkholz
Naomi Sparks
Johnny Yasuyoshi Hailey

TRACT 7
T146N-R81W-Section 31:
Surface Ownership:
Coal Ownership:

Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, less Lot B and less a 0.028 acre tract
The Falkirk Mining Company
Allen Ray Saylor
Barbara Laine Dentz
Rodney Lee Saylor
David Lynn Saylor
Diane Kay Schell
Susan Ann VanAsperen
Richard Roy Saylor
Ronald Jay Saylor
The State of North Dakota - State Land Department

TRACT 8
T146N-R81W-Section 31:

Lot B described as follows: Beginning at the SW corner of Section 31; thence N 00°01'26" W, along the west line of Section 31, a distance of 2638.29 feet; thence N 89°56'51" E, along the east-west quarter line of Section 31, a distance of 587.10 feet; thence S 00°24'45" W, a distance of 2638.90 feet, to the south line of Section 31; thence N 90°00'00" W, a distance of 567.0 feet to the point of beginning, containing 34.95 acres, more or less.

Surface Ownership:
Coal Ownership:

The Falkirk Mining Company
Allen Ray Saylor
Barbara Laine Dentz
Rodney Lee Saylor
David Lynn Saylor
Diane Kay Schell
Susan Ann VanAsperen
Richard Roy Saylor
Ronald Jay Saylor
The State of North Dakota - State Land Department

TRACT 9
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 10
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

Lots 1, 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$
The Falkirk Mining Company
The Falkirk Mining Company

TRACT 11
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 12
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

SE $\frac{1}{4}$ SW $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 13
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 14
T146N-R82W-Section 25:
Surface Ownership:
Coal Ownership:

S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 15
T146N-R82W-Section 26:
Surface Ownership:
Coal Ownership:

Lot 3, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
The Falkirk Mining Company
Robert A. Sitz and Jean Sitz
Gordon O. Olson and Ellen Olson
Richard C. Lord and Myrna K. Lord
George M. Ackre and Susan R. Ackre
Michael R. Berg
Steven Berg
Kathryn Anderson
Marcia Blotske
Julie Love
Ruby C. Britton
Janet G. Britton
Barbara C. Braun
Renee C. Thorp

TRACT 16
T146N-R82W-Section 35:
Surface Ownership:
Coal Ownership:

S½NE¼
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 16A
T146N-R82W-Section 35:
Surface Ownership:
Coal Ownership:

N½NE¼
The Falkirk Mining Company
Washburn Trust No. 1

TRACT 17
T146N-R82W-Section 35:
Surface Ownership:
Coal Ownership:

SW¼
Ricky D. Tweeten and Laura J. Tweeten
Mikdarb Irrevocable Trust dated 3-27-96

TRACT 18

Incorporated into adjacent lands.

TRACT 18A

Incorporated into adjacent lands.

TRACT 19
T146N-R82W-Section 36:
Surface Ownership:
Coal Ownership:

E½
The Falkirk Mining Company
Erna M. Sauer, as Trustee of the Erna M. Sauer Revocable Trust dated 9-4-92

TRACT 20
T146N-R82W-Section 36:
Surface Ownership:
Coal Ownership:

NW¼
The Falkirk Mining Company
Roland W. Koenig and Sharon J. Koenig
Roland W. Koenig, as Trustee of the Martha Koenig Trust UAD 11-15-73

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The Falkirk Mining Company

(June 11, 18, 25, July 2, 2009)