



May 27, 2010

FROM DIRECTOR - RECLAMATION DIV.

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

Date: \_\_\_\_\_

Action: \_\_\_\_\_

Info. Only: \_\_\_\_\_

Info & File: \_\_\_\_\_

**RE: Revision 19 Technical Review Responses for Permit NAFK-9503**

Dear Mr. <sup>Jim</sup>Deutsch:

Falkirk submits the following responses to the review items from your April 7, 2010 letter required to be addressed prior to approval for the above-referenced permit revision.

**Section 1.1 - Introductory Information**

1. ***Please complete the paragraph narrative on page 3 of the Schedule of Violations under Section 1.1.6 for the Falkirk Mine that describes the nature of NOV-0803. (BEB)***

The paragraph narrative in Section 1.1.6, Schedule of Violations, for the that describes the nature of Falkirk Mine's NOV-0803 has been completed.

2. ***Since the Indian Head Mine operated by the Bellaire Corporation closed in 2004 and the mine is no longer listed in Section 1.3.2, please delete the listing for that mine in Section 1.1.6 of the permit. (SAS)***

The Indian Head Mine operated by the Bellaire Corporation has been deleted in Section 1.1.6 as requested.

**Section 1.2 - Legal Information**

3. ***Please include a copy of the latest Certificate of Liability ACORD form in Section 1.2.5 so that when the endorsement to the policy is received and entered in the permit, the policy numbers will agree. (SAS)***

A copy of the latest Certificate of Liability ACORD form and the attached endorsement has been included in Section 1.2.5.

- 4. The Endorsement (#013) attached to the February 2009 Certificate of Liability Insurance in Section 1.2.5 has the wrong policy number (RGE 5000177 vs. RGE5000177). Please review and correct. (SAS)***

The Endorsement (#103) attached to the February, 2009 Certificate of Liability Insurance in Section 1.2.5 has been corrected.

### **Section 1.3 - Business Entity/Compliance Information**

- 5. Item #12 on page 2 of Section 1.3.6 indicates that the Holznagel farmstead has been purchased by Falkirk and the buildings have been removed. The Pit Layout and Facilities Map, Section 3.1.5, still shows the farmstead and a 500-foot setback. Please review and correct as appropriate. (SAS)***

Please see revised Section 3.1.5, Pit Layout and Facilities Map, on which the Holznagel farmstead has been removed.

- 6. The Schafer farmstead that is located in the NE¼ of Section 6, T145N, R83W (item #19) is listed in Section 1.3.6, although the farmstead appears to be well outside of the permit boundary based on the legal description provided. Please review and revise if necessary or describe the rationale for including the farmstead in this permit section. (SAS)***

The description of the Schafer farmstead previously listed as being in Section 6 has been changed to read Section 14 in Section 1.3.6.

### **Section 1.5 - Identification of Interests**

- 7. Please review and, if necessary, update the listing of the Permit Area Surface and Coal Interests in Section 1.5.1. The Reclamation Division has been notified by Mr. Paul Azure that coal ownership interests for Tracts 63 and 73 are incorrectly listed or excluded in the newspaper notification. Any updates to this section must also be made to the Surface and Coal Ownership Map in Section 1.5.3. (BEB & SAS)***

The Falkirk Land Office's review and updates to Section 1.5 for Revision 19 to NAFK-9503 were completed as of December, 2009. At that time, the coal ownership interests in Tracts 63 and 73 correctly listed Carl H. Reimers and Margaret A. Reimers as the owners of record.

The review and update of Section 1.5 for the inclusion of Riverdale's 4<sup>th</sup> Addition (Revision 20) began shortly after the submittal of Revision 19. During this review, it was determined that Carl and Margaret Reimers' interest should be updated to the Estates of Carl H. Reimers and Margaret A. Reimers, with the heirs listed under the note, "Heirs Appear to be". This change is based on information the Land Office received after the December, 2009 review date and has been included in the updates for Revision 20 to NAFK-9503. In order to further

change the Reimers' coal ownership interest, additional documentation would need to be provided to Falkirk's Land Office.

In order to lessen any confusion caused by the "red-lining" of changes in Section 1.5 for the currently submitted Revision 19 and the upcoming Revision 20, all updates which have occurred after December 2009 will be included in Revision 20.

**Section 2.2 - Description of Ground Water Hydrology**

8. *The second-to-last paragraph of Section 2.2.1 states that "the surface water sources near the study area are some ephemeral streams." Please expand that sentence to include intermittent streams which have been identified by Falkirk and/or Falkirk Consultants within the permit (Section 36) and also near the permit area to the west (2008/2009 AVF Report). (BEB)*

Please see revised Section 2.2.1.

9. *Please update the narrative at the bottom of page 1 of Section 2.2.1 in which it is stated that thirty seven (49) water supply wells have been identified in the study area. Please update the sentence to correct the typographical error and/or revise the sentence to provide current water supply well information within the study area. (BEB)*

Please see revised Section 2.2.1.

10. *The narrative describing Quality of Ground Water in Section 2.2.3 describes dominant water types of the monitored hydrostratigraphic units in the Riverdale Field and information for the narrative is derived from, and provides reference to trilinear diagrams for the various monitored units, although the trilinear diagrams are not provided in the permit. We ask that you place or reinstate the referenced trilinear diagrams somewhere in Section 2.2. (BEB)*

Please see revised Section 2.2.3.

11. *Narrative on the top of page 2 of Section 2.2.4 indicates that the stratigraphy and the potentiometric levels of each aquifer are illustrated in the Geologic Cross Sections Map of Section 2.2.9 and a link is provided, although potentiometric levels of the aquifers are not illustrated on the cross sectional map. Please review and edit the narrative or add the potentiometric information to the map, whichever Falkirk desires. (BEB)*

Please see revised Section 2.2.4.

12. *Please recalculate the total number of monitoring wells listed at the bottom of the Ground Water Monitoring Schedule of Section 2.2.6. A total of five new wells (RP-310-1, 2 and*

***RP-311-1, 2, 3) have been added to the Ground Water Monitoring Plan since the last revision to this section and the total of all wells presented in the Monitoring Schedule Summary should be 116, as opposed to 111 that is currently indicated at the bottom of the schedule. (BEB)***

Please see revised Section 2.2.6.

- 13. In an effort to coordinate and validate previously submitted ground water data with the Ground Water Monitoring Plan, we feel that this revision application provides Falkirk with an excellent opportunity to formally include the 344, 345, 346, 347, 348, 349, and 350-series of ground water monitoring wells in the Monitoring Schedule of Section 2.2.6 of the Ground Water Monitoring Plan for the Riverdale Field. Water level and quality information concerning the 344, 345, 346, and 347 series of monitoring wells has been submitted by Falkirk and received by the Reclamation Division since the 4<sup>th</sup> quarter of 2005, and water level and quality information concerning the 348, 349, and 350 series of monitoring wells has been submitted by Falkirk and received by the Reclamation Division since the 1<sup>st</sup> quarter of 2008. However, none of these wells or information concerning these wells has been formally incorporated into the Ground Monitoring Plan. Please consider including these 7 nests of ground water monitoring wells in the Riverdale Ground Water Monitoring Plan with this revision application. (BEB)***

As per verbal approval from Bruce Beechie of PSC Reclamation Staff, the well nests mentioned above will be added to 9503 with Revision 20.

- 14. Please add the NAFK-9503 permit boundary to both Section 2.2.21 and Section 2.2.22 maps. Historically, none of the maps in Section 2.2 have shown the NAFK-9503 permit boundary. Given the nature of the information presented on the maps, the Reclamation Division has agreed to this arrangement in the past. We now realize, however, that the permit boundary would be useful on the Current and Reclamation Monitoring Well Location Maps to easily identify which wells are located within the permit boundary. (WTG)***

Please see revised Sections 2.2.21 and 2.2.22.

- 15. Please insert the location of active reclamation monitoring wells RP-310-1, 2, and RP-311-1, 2, 3 into the Reclamation Monitoring Wells Location Map of Section 2.2.22. (BEB)***

Please see revised Section 2.2.22.

- 16. The Current Monitoring Well Location Map of Section 2.2.21 and the Well Completion Reports of Section 2.2.18 both corroborate the location of reclamation monitoring wells RP-310-1 and RP-310-2 as being located within the W<sup>1/2</sup> of Section 24, although the Location of Monitoring Wells table of Section 2.2.20a indicates the wells are located in the W<sup>1/2</sup> of Section 25. Please review and update as necessary. (BEB)***

Please see revised Section 2.2.20a.

- 17. It appears a total of five monitoring wells are missing from the Monitoring Well Information List of Section 2.2.16. Please include the information for active reclamation monitoring wells RP-311-3, RP-335-1, 2, and RP-336-1, 2 into the list. (BEB)**

Please see revised Section 2.2.16.

- 18. Please extend the Current Monitoring Wells Location Map of Section 2.2.21 one mile further north so that the location of active monitoring well 338-1 that is located in the SW<sup>1</sup>/<sub>4</sub> of Section 20, T146N, R83W is able to be viewed on the map. (BEB)**

Please see revised Section 2.2.21.

- 19. The Location of Monitoring Wells table of Section 2.2.20a labels active monitoring wells 314-1, 2, 3, and 4 as being located in T145N, R83W, Section 5, although the Current Monitoring Wells Location Map of Section 2.2.21 depicts their location as being in T144N, R83W. Please review and update as necessary. (BEB)**

Please see revised Section 2.2.20a.

- 20. Please compare locations for active monitoring well 333-1 on the Current Monitoring Wells Location Map of Section 2.2.21 and the Location of Monitoring Wells table of Section 2.2.20a for accuracy in describing the part-section location description and revise if necessary. (BEB)**

Please see revised Section 2.2.20a.

- 21. The Location of Monitoring Wells table of Section 2.2.20a depicts the location of active monitoring wells 337-1, 2, 3 as being located in Section 5, T146N, R83W, although the Current Monitoring Wells Location Map of Section 2.2.21 depicts the location as being in Section 5, T145N, R83W. Please review and update as necessary. (BEB)**

Please see revised Section 2.2.20a.

- 22. The location of the 339-series of monitoring wells is depicted in the Location of Monitoring Wells table of Section 2.2.20a as being located in Section 12 DAA but the Monitoring Well Location Map depicts the location as being in Section 12 ADD. Please review and revise as necessary. (BEB)**

Please see revised Section 2.2.20a.

- 23. Based on our review, it appears that changes made to the 339-series of monitoring wells for Revision 19 may not have been required and that original information provided in the**

*permit was correct. Review of the lithologic descriptions and screened intervals in the Well Completion Reports of Section 2.2.18 indicates that monitoring well 339-1 is screened in the Coal Lake Coulee bed, 339-2 is screened in the Tavis Creek bed, and 339-3 is screened in the C Sand. To further substantiate screened interval interpretation, please review the Baseline Potentiometric Data tables for the years 2003 and 2008 of Section 2.2.24 and compare water level data with screened interval information. Please review and update as necessary. (BEB)*

Please see revised Sections 2.2.18 and 2.2.24. These sections were revised as a result of wells that were mislabeled in the field. Corrections to field labeling have been made.

- 24. In reviewing submitted water level and water quality data over the past several years, we agree with the screened interval changes made to the permit concerning reclamation monitoring wells RP-335-1, RP-335-2, RP-336-1 and RP-336-2, although issues still remain with these wells. Review of the Well Completion Report information that is provided in Section 2.2.18 of the permit indicates that the total depth of drilling, lithologic descriptions and well screen information provided in the well completion reports provides conflicting information with the changes made to these wells. According to the submitted well completion information, RP-335-1 is screened in the C Sand, RP-335-2 is screened in the base of spoils, RP-336-1 is screened in the C Sand, and RP-336-2 is screened in the base of spoils. Please review the completion reports for these monitoring wells and revise as necessary. Please check on the probability of these monitoring wells and the monitoring wells described in deficiency No. 24 above of having been mislabeled in the field at the time of well installation/construction. (BEB)*

Please see revised Section 2.2.18, revised as a result of wells that were mislabeled in the field. Corrections to field labeling have been made.

### Section 2.3 - Description of Geology

- 25. Information provided in the second-to-last paragraph on page 1 of the Geology Narrative of the Riverdale Field in Section 2.3.1 references the permit area as being the Underwood Field. Please correct this typographical error to properly indicate that the narrative information references the Riverdale Field. (BEB)*

Please see revised Section 2.3.1.

- 26. The opening paragraph in the Site Specific Geology Narrative of Section 2.3.2 states that the permit area (Riverdale Permit) is located 7 miles south-southeast of Underwood, North Dakota. Please revise the typographical error in the narrative to indicate the correct permit location to be southwest of Underwood. (BEB)*

Please see revised Section 2.3.2.

**Section 2.6 - Surface Water Information**

- 27. Please update the Watershed Map in Section 2.6.4 to include all watershed boundary lines extending beyond the permit boundary approximately 1000 feet. (MSK)**

As per discussion with Matt Klingenstein on 5/13/2010, all watershed boundary lines in the southern part of the existing permit boundary will be extended beyond the new permit boundary and/or new disturbance boundary in Revision 20, 4<sup>th</sup> Addition.

- 28. Please include acreage and an identification number for all sub-watersheds on the Pre-Mining PHC Map in Section 2.6.5a, specifically (but not limited to) the sub-watershed in the SW<sup>1</sup>/<sub>4</sub> of Section 34. Also, please keep the identification numbers consistent with the Post-Mining PHC Map in Section 2.6.5b. (MSK)**

All watershed acreages and identification numbers have been included and updated.

**Section 2.8 - Soil Resources**

- 29. Please review Section 2.8.3 and revise if necessary, the potential SPGM respread thickness boundary in the NE<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 28 for drill hole RD08009C. According to our review of the laboratory data for this drill hole, the SPGM respread depth should be 48 inches, rather than 36 inches as shown on the respread depth map (four of the 16 five-foot sample intervals have an SAR greater than 20). (WTG)**

See revised map, Section 2.8.3.

**Section 3.1 - Operation Plan-General**

- 30. Please correct the years in the table of Section 3.1.1 that are located near the bottom of page 1 from "20010 and 20011-2016" to "2010 and 2011-2016". (SAS)**

Please see revised Section 3.1.1.

- 31. Please label the guard shack on the Pit Layout and Facilities Map. (MSK)**

The existing Guard Shack and At-Grade Crossing were already labeled as At-Grade Crossing. To remain consistent with the permit, the new Guard Shack and At-Grade Crossing were labeled the same.

- 32. The C. Swanson farmstead in the SW<sup>1</sup>/<sub>4</sub> of Section 28 is depicted on the Pit Layout and Facilities Map, Section 3.1.5, as not being mined through; however, Section 3.5.2 denotes this area as being inside of the topographic disturbance boundary. Please clarify plans for this area and update the appropriate maps for accuracy and consistency. (MSK)**

As discussed in Item #47 below, this farmstead is planned to be disturbed by mining in a year beyond 2020 and is shown on the Section 3.1.5 map as a setback because Falkirk has not yet obtained rights to mine through it. Falkirk plans to obtain the rights to mine through this farmstead prior to the disturbance time frame and hence, has developed post-mining topography for the area which is depicted on any maps with the post-mining topography, including Section 3.5.2.

### **Section 3.3 - Operations - Blasting**

- 33. Some of the distances have been removed in Section 9 and other sections on the Blasting Map in Section 3.3.2. Please reinstate the distances for those areas where the distances have been removed or provide an explanation or justification for removing them. (MSK)***

Coal removal is completed in the S½ of Section 14, T145N, R83W. Therefore, no blasting will be conducted in this tract. The trailer house that was located in the NW corner of Section 16, T144N, R83W has been moved into the City of Underwood.

### **Section 3.5 - Operations - Transportation Facilities**

- 34. Please outline the farmstead in the SW¼ of Section 28 in blue denoting the pre-mine topographic contours, similar to what was done around the cemetery. (MSK)***

Please see response to Item #47 below. This farmstead is shown on this map as being mined through with the post-topography being depicted.

- 35. The depiction of power transmission lines have been removed from the Transportation Facilities Map in Section 3.5.2. Please show the power lines on the map. (MSK)***

Sections 3.1.5, 3.5.2, 3.5.10, and 3.6.1a have been updated to reflect changes to haul Road Section D, Haul Road Section F, and Haul Road Section H.

### **Section 3.6 - Surface Water Management**

- 36. Pond P-R36-02 has been constructed and should be denoted as such on all applicable maps, including the Pit Layout and Facilities Map in Section 3.1.5 and the Surface Water Management in Section 3.6.1a. Also, Pond P-R36-2 was listed as being constructed in 2008 in Section 3.6.1 (Pond and Diversion Construction and Reclamation Schedule). Please update this table with accurate dates for all constructed ponds. (MSK)***

All constructed ponds have been updated in Sections 3.1.5 and 3.6.1a. Section 3.6.1d has been updated to reflect proposed pond construction and reclamation.

**Section 4.1 - Post-Mining Land Use and Revegetation**

- 37. Page 2 of Section 4.1.1 and page 77 of Section 4.1.4 indicate that Eileen Zander has requested that no changes be made to post-mining land use from her original preference statement, but we were unable to find the original statement in Section 4.1.4. Please review and address. (SAS)**

Please see updated Page 2 of Section 4.1.1.

- 38. Please revise the area shown as where prime farmland will not be respread in the SE¼ of Section 27 on the Post-Mining Land Use Map of Section 4.1.2. Prime farmland was respread in the E½ of the SE¼ of Section 27 with Grade Approval R27A in an area shown as where prime farmland would not be respread. The Reclamation Division approval letter dated October 6, 2009, requested that the map be updated with the next permit revision. (WTG)**

Please see updated Section 4.1.2.

- 39. Please revise Post-Mining Land Use Map, Section 4.1.2, to show a perennial vegetation buffer zone around created Wetland W-NE26-01 and adjust the buffer zone around Wetland W-NW26-02 so that it encompasses the wetland basin. (GAW)**

Please see updated Section 4.1.2.

- 40. During the October 17, 2008, inspection, it was noted that the area to be reclaimed to native grassland in the SE¼ of Section 26 had been mistakenly seeded with the pre-cropland seed mixture and few native species were observed. Mr. Eckroth mentioned at that time that perhaps the native grassland that was to be reclaimed in Section 26 should be reclaimed elsewhere in the permit, given the topography of this area. The Reclamation Division believes that the area that is to be reclaimed to hayland in the NE¼ of Section 33 is more suited to native grassland than the area in the SE¼ of Section 26 (some of which has been respread to meet prime farmland requirements). Please consider swapping the post-mine land uses of these two areas. We realize that the surface owner of the NE¼ of Section 33 requested that his native grassland in the NE¼ of Section 33 be converted to cropland, but portions of the slopes along the drainage are too steep to accommodate this land use change. (GAW)**

Please see updated Sections 4.1.1, 4.1.2, and 4.1.3. Falkirk changed the land use on the steeper slopes in the NE¼ of Section 33 back to the pre-mine land use of native grassland. Falkirk will make the above referenced land use change to Section 26 in Revision 20 (4<sup>th</sup> Addition to Riverdale Permit) and swap the native acres on lands owned by Falkirk.

- 41. It appears that pre-mine wetland acreage that was located on Falkirk owned land in the N½ of the NW¼ of Section 28 is being reclaimed on privately owned land in the S½ of the**

*NW¼ of Section 28. Please revise so that wetlands on Falkirk-owned lands are not replaced on privately owned property or provide a landowner preference statement from the private landowner agreeing to the wetland on his property. NDCC 38-14.1-24(2) (GAW)*

Please see updated Section 4.1.2.

- 42. On the Post-Mining Land Use Map in Section 4.1.2 the section line road corridor between Sections 22 and 27 is much wider than other nearby section line road corridors. Please explain or update as necessary. (MSK)*

See revised language in the last paragraph on Page 5 of Section 4.1.1.

- 43. The yellow wetland buffer borders in the Post-Mining Land Use Map of Section 4.1.2 are extremely difficult to see. Please consider using a different color for those borders. (MSK)*

Please see updated Section 4.1.2.

- 44. A polygon denoting the location where prime topsoil will not be spread in Section 14 of the Post-Mining Land Use Map is partially located outside of the terrain modification boundary, and we have also noted that some reclaimed wetland areas are depicted on the same map as areas suitable for prime farmland prime soils respread. Please explain or correct. Also, Falkirk may wish to update the Post-Mine Land Use Map to depict the actual areas where prime farmland has been respread and projected reclaimed prime farmland landscape areas for areas not yet reclaimed. (MSK)*

Please see updated Section 4.1.2.

#### **Section 4.2 - Reclamation - General**

- 45. Narrative on page 7 of Section 4.2.1 now indicates that a swell factor of 10% rather than 8% will be used in the grading assumptions. Please describe or explain the laboratory testing, field observations or other basis for the proposed change being made to the swell factor determination. (SAS)*

Please see revised Section 4.2.1, Page 7, #5.

- 46. Please revise the Grading Sequence Map, Section 4.2.3, and the Reclamation Schedule, Section 4.2.2, narrative to limit variance areas to current permitted lands and retain past (historical) variance information on areas that have already been affected (narrative and map) even if the variance is no longer needed. It is not clear where variance areas A, B and C were located and variance areas G, F and portions of I and H were in effect but are being removed from the map and the language discussing these variance areas is being removed or changed in the permit. Also, the new language discussing the location of Variance Area H is referencing Sections 22, 23 and 24 but Area H is not located within any*

*of these sections. The legend on the Grading Sequence Map, Section 4.2.3, is confusing in that it is not clear what the difference is between blue hatched areas labeled "variance from NDAC Section 69-05.2-21-01(2) and the yellow outlined and hatched area labeled "180 day variance area" as both refer to the 180-day rough grading requirement. We assume the blue cross-hatched area refers to 3-year seeding requirement NDCC 38-14.1-24. (GAW)*

Please see revised Sections 4.2.2 and 4.2.3. The narrative in 4.2.2 discusses the need to show the variance areas outside of the current permit and indicates that Falkirk is not requesting approvals for variances outside the permit, but that those variance areas need to be identified to fully understand the variance and reclamation plans within the permit area. A separate map of historic variance areas will be developed and provided in the next revision, Revision 20, which will be submitted this summer. The language discussing Area H referencing Sections 22, 23, and 24 is referring to the location of the County Road 20 alignment. The legend on 4.2.3 has been clarified by adding the notation that on the blue hatched area denoting variance from NDAC 69-05.2-21-01(2), this variance is for both the 180-day rough grade requirement and the 4-peak requirement.

- 47. *The Post-Mining Contour Map in Section 4.2.6b shows that there are grade changes within the C. Swanson Farmstead in Section 28 even though this area will not be mined through. Please explain or update if necessary. (MSK)***

The Swanson farmstead in Section 28 will not be disturbed by mining until beyond the year 2020 and is now shown as a setback area. Falkirk plans on purchasing this farmstead in time to facilitate mining through it; hence, we have shown the post-mining topography that is planned when that occurs in Section 4.2.6b.

- 48. *The 2<sup>nd</sup> full paragraph on page 6 of Section 4.2.1 is being deleted, but it should be reinstated unless Falkirk provides a reasonable explanation for deleting the narrative. (MSK)***

Statement was repeated and removed. See Section 4.2.1, last paragraph, Page 5.

- 49. *A review of the Post-Mine Topography Map indicates that areas within Section 21, the S $\frac{1}{2}$  of Section 22, and the SW $\frac{1}{4}$  of Section 27 appear to be very flat which may not drain and be more susceptible to differential settling. The planned post-mine gradient of these areas is less than 1% slope. Please revise the plan to increase the post-mining gradient in these areas. (MSK)***

See revised Section 4.2.6b.

- 50. *The overall slope in the SW $\frac{1}{4}$  of Section 33 appears quite a bit higher as proposed on the Post-Mining Topographic Map compared to the pre-mine topography. Also, there are areas within several hundred feet of each other that are both higher and lower in elevation***

*than the pre-mine topography. Additional grading is needed in this area to reduce slopes.  
(JRD)*

See revised Section 4.2.6b.

**Other:**

51. Replaced Section 1.3.1, Names of Officers, Directors, and Share Holders, and Organizational Structure to reflect the following changes:
  - Changed address for Otter Creek Mining Company, L.L.C.
  - James F. Melchior elected President of Otter Creek Mining Company, L.L.C.
  - James F. Melchior ended position as Vice President for Otter Creek Mining Company, L.L.C.
  - Robert L. Benson ended position as President of Otter Creek Mining Company, L.L.C.
  - David P. Liffrig elected Assistant General Manager of Mississippi Lignite Mining Company
  - Vern K. Lund ended position as Assistant General Manager of Mississippi Lignite Mining Company
  - Corrected typographical error in mine name of Demery Resources Company, L.L.C.
  - Changed address for Oxbow Lignite Company, L.L.C.
52. Revised Section 3.1.6, Extended Mining Plan Topographic Map of Mine Phases, as a result of Falkirk's new mine plan.
53. Subsequent to Revision 19 submittal in December of 2009, Barbara Hoffer relinquished her 50% ownership of the S½ of the NW¼ of Section 28, T145N, R83W and the SW¼ of Section 28, T145N, R83W to her sister, Eileen Zander and, therefore, no longer has any surface ownership in the existing Riverdale Permit. Her Preference Statement has, therefore, been removed from Section 1.4.2, Surface Ownership Notification Letters, Revision document.
54. Added Sections 3.6.19, Design of Sedimentation Pond P-R04-03 and 3.6.19a, Details of Sedimentation Pond P-R04-03.
55. Revised Section 4.2.7b, Post-Mining Area Slope Map, to reflect the 1% slope change to post-mining topography.
56. Revised existing Wetlands W-SW15-01, moved and renamed W-NW15-01; W-NW28-01, moved; W-NE28-01, moved; W-NE28-02, moved and renamed W-SE28-01, and W-SE21-01, moved, in Section 5.2.2, Wetland Design Details, based on the revised post-mining topography.

Mr. James R. Deutsch  
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As requested in your correspondence of February 17, 2010 deeming Revision 19 complete, specific changes that were made to each file in the "Other" section in Falkirk's February 9, 2010 completeness review response letter, have been listed in Section 1.1.3, List of Changes.

Sincerely,

**THE FALKIRK MINING COMPANY**

A handwritten signature in black ink that reads "Randy Crooke". The signature is written in a cursive, flowing style.

D. Randall Crooke  
Environmental Manager

DRC/dge