



Public Service Commission

State of North Dakota

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December 21, 2010

Mr. D. Randall Crooke
Environmental Manager
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087

Dear Mr. Crooke:

The Reclamation Division has finished its initial review of Revision No. 21 and Renewal No. 3 to Permit NAFK-9503. The following items were noted in that review that must be addressed or corrected prior to the applications being deemed complete:

Section 1.5.1 - Permit Area Surface and Coal Interests

1. Please provide documentation that the surface lease for Tract 3 has been or will be extended beyond the March 31, 2013 expiration term to at least the end of the new permit term. Also, please ensure that the documentation is a certified copy since the copy of the lease currently in the permit does not indicate that it has been recorded at the county courthouse. NDCC 38-14.1-14(1)(k). (SAS)
2. The copies of coal lease numbers 03332 and 03323 are not certified. Please provide certified copies. NDCC 38-14.1-14(1)(k). (SAS)
3. Please include documentation that indicates the following leases have been extended beyond their initial term and are still valid since the qualifying conditions that would have automatically extended the lease term have not occurred or taken place:
 - a. Lease No. 03347 (Tracts 13, 14, 15, and 16);
 - b. Lease No. 03363 (Tract 23);
 - c. Lease No. 03339 (Tract 43);
 - d. Lease No. 03330 (Tract 48);
 - e. Lease No. 03320 (Tract 60);
 - f. Lease No. 03313 (Tracts 65, 66, and 73);
 - g. Lease No. 03343 (Tracts 67 and 68);
 - h. Lease No. 03312 (Tract 74);

- i. Lease No. 03331 (Tract 79);
- j. Lease No. 03321 (Tract 82);
- k. Lease No. 03329 (Tracts 83 and 86); and,
- l. Lease No. 03316 (Tract 84). NDCC 38-14.1-14(1)(k). (SAS)

Section 1.2.4 - Newspaper Publication Notice

4. Please incorporate the Newspaper Publication Reference Map for Renewal #3 into Section 1.2.4. (SAS & BEB)
5. Please revise the next to last paragraph to read "~~A copy~~ **Copies** of the **revision and renewal** applications for a surface coal mining permit is **NAFK-9503 are...**" (SAS)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division