



March 1, 2011

FROM DIRECTOR - RECLAMATION

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

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

RE: Revision 21, Renewal #3 Technical Review Responses for Permit NAFK-9503

Dear Mr. ^{Jim}Deutsch:

Falkirk submits the following responses to the technical review items from your February 24, 2011 letter required to be addressed before the revision can be deemed complete.

Section 1.3.2 - Names of Other Mines

- 1. It was noted that the Marshall Mine, LLC was listed in Permit NAFK-8405 in Sections 1.1.6 and 1.3.3. It appears this mine should also be listed in Sections 1.1.6 and 1.3.3 of permit NAFK-9503. (SAS)***

Sections 1.1.6, 1.3.2, and 1.3.3 have all been updated to include Marshall Mine.

Section 1.5.1 - Permit Surface and Coal Interests

- 2. Please update the addresses for Brian Leidholm and Tammy Novak, Remaindermen for Tract 82. The notification letters sent by our office were returned as undeliverable. (SAS)***

Addresses for Brian Leidholm and Tammy Novak have been updated.

- 3. Original Deficiency No. 3: Affidavits of Extension were submitted for coal leases whose initial term had expired. According to NDCC 38-14.1-14(l)(k), Falkirk must provide the Public Service Commission with the actual certified documents upon which it bases its right to enter and commence surface mining. The affidavits submitted by Falkirk do not satisfy the requirement since they were not signed until years after the initial lease expiration date and only contain the signatures of company representatives.***

Please submit the agreement of extension and amendment of coal leases to show Falkirk's right to mine for the following tracts:


- a) 13, 14, 15, and 16 (Lease #03347);***
The necessary documents have been provided.
- b) 23 (Lease #03363);***
The necessary documents have been provided.
- c) 43 (Lease #03339);***
The lease extension and amendment documents have been added.
- d) 48 (Lease #03330);***
The lease extension and amendment documents have been added.
- e) 60 (Lease #03320);***
The lease extension and amendment documents have been added.
- f) 65, 66, and 73 (Lease #03313);***
The lease extension and amendment documents have been added.
- g) 67 and 68 (Lease #03343);***
The necessary documents have been provided.
- h) 74 (Lease #03312);***
This lease was terminated after Revision 21 / Renewal #3 was submitted for review and has now been removed from the permit as all coal has been mined from the tract. The tract is now being permitted for surface use only. Tract 74 and the Surface Ownership Map, Section 1.5.3, have been updated accordingly.
- i) 79 (Lease #03331);***
The lease extension and amendment documents have been provided.
- j) 82 (Lease #03321);***
The necessary documents have been provided.
- k) 83 and 86 (Lease #03329);***
The lease extension and amendment documents have been added.
- l) 84 (Lease #03316). (SAS)***
The lease extension and amendment documents have been added.

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If you have any questions, please contact me at 250-2403 or at randy.crooke@falkirk.com.

Sincerely,

THE FALKIRK MINING COMPANY



D. Randall Crooke
Environmental Manager

DRC/dge
Enc.