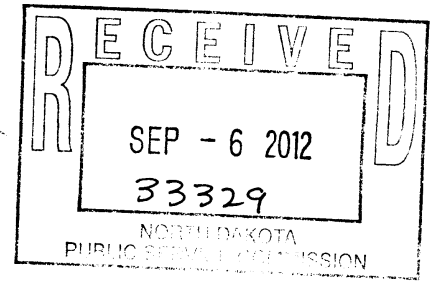




September 5, 2012



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

RE: Revision 34 Completeness Review Responses for Permit NAFK-8705

Dear Mr. ^{JR}Deutsch:

Falkirk submits the following responses to the completeness review items listed in your July 20, 2012 letter required to be addressed prior to the revision application being deemed complete:

Section 1.1.1 - Application Forms

- 1. *Please revise the description on the application form to include the proposed post-mining land use change to recreational being requested for the N½NW¼ of Section 28, T146N, R82W as part of this revision. (JRD, RLK)*

The application form has been revised to include the proposed post-mining land use change to recreational as requested.

Section 1.1.2 - Revision Summary Pages

- 2. *Please correct the legal description for the proposed post-mining land use change to read T146N, R82W rather than T146N, R81W. (WTG)*

The legal description for the proposed post-mining land use change has been corrected in Section 1.1.2.

Section 1.2.4 - Newspaper Publication Notice

- 3. *Although not required, we would suggest changing the heading of the notice to state "NOTICE OF FILING OF A REVISION TO AN APPROVED SURFACE COAL MINING PERMIT". (BEB)*

The heading of the Newspaper Publication Notice in Section 1.2.4 has been changed as requested.

4. *Please update the first paragraph of the notice to state that the proposed post-mining land use change is located in T146N, R82W, not T146N, R81W as is currently written in the notice. (BEB, WTG)*

The land use description on the first paragraph of the Newspaper Publication Notice has been updated.

5. *Please revise the second-to-last paragraph of the public notice to eliminate the word “renewal” from the first sentence of that paragraph because this particular revision is not a renewal application. A similar change should also be made in the last sentence of the public notice. (BEB, GAW, WTG, RLK)*

The word “renewal” has been eliminated from the second-to-last paragraph of the public notice as well as in the last sentence of the notice.

6. *Please incorporate a newspaper publication reference map into the notice showing the existing permit boundary and the location of the area in which the post-mine land use change is being proposed. Also, please consider adding a paragraph referencing the map of the permit area, similar to the paragraph used in the Revision No. 32 and Renewal No. 4 publication notice (BEB, GAW, WTG)*

Please see the added Section 1.2.4p - Newspaper Publication Reference Map and updated Section 1.2.4 - Newspaper Publication Notice

7. *The public notice lists the surface and coal owners for the entire permit area. Since this revision is considered significant due to the proposed land use change, you only need to provide the surface and coal ownership for those tracts that are affected by the proposed land use change. The remaining surface and coal ownership information can be deleted from the public notice if you so choose. If you retain the surface and coal ownership for the entire permit area in the public notice, then the following discrepancies will need to be addressed:*

The Newspaper Publication Notice has been revised to reflect only the tract affected by the proposed land use change. However, the following discrepancies have been addressed in Section 1.5.1 of the Permit:

- a) *The name Wilmer J. Ehrichs appears in the Coal Ownership listing for Tract 9A. It appears that the person will no longer be listed in Section 1.5.1 - Permit Area Surface and Coal Interests and Section 1.5.3 - Surface and Coal Ownership Map. Please revise as appropriate.*

This coal ownership name for Tract 9A has been updated.

- b) Please correct Randal L. Ehrichs name to Randal G. Ehrichs in the Coal Ownership listing for Tract 9A.*

This coal ownership name for Tract 9A has been updated.

- c) Please include the middle initial for coal owner Janet L. Cornelius in the listings for Tracts 9 and 9A, to be consistent with Section 1.5.1 Permit Area Surface and Coal Interests.*

This coal ownership name for Tracts 9 and 9A have been updated.

- d) Please review the legal land description for Tract 69. The Newspaper Publication Notice states T145N-R82W-Section 8, but Section 1.5.1 - Permit Area Surface and Coal Interests and Section 1.5.3 - Surface and Coal Ownership Map both indicate Tract 69 as being in Section 9. (ZAT, RLK, WTG, DKM)*

The legal land description for Tract 69 has been corrected.

- 8. As required by NDAC 69-05.2-10-01-(1)(c), please substitute the Public Service Commission address (600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480) for "Capitol Building" in the second paragraph of the last page of the notice. (WTG)*

The correct address of the Public Service Commission has been entered into the last 2 paragraphs of the Newspaper Publication Notice.

Section 2.2 - Ground Water Hydrology of the Underwood Coal Field

- 9. Successful operation of the French Drain in the NW¼ of Section 28 will remove, and to some degree, return an unspecified volume of ground water from the local flow system for years to come, the results of which will likely be inconsequential to the larger hydrologic regime at Falkirk, particularly around the city of Underwood. Nonetheless, the drain will have some effect on the recharge/discharge relationship in the area and based on the potentiometric surface contours provided in the permit, possibly the localized ground water hydraulic gradient in the post-mine setting. Considering that the proposed drain operation is primarily a ground water reclamation issue, the predicted hydrologic results of this proposal will need to be discussed in applicable portions of the ground water section of the permit. Please update the Probable Ground Water Hydrologic Consequences, Section 2.2.5, of the stand-alone Underwood Ground Water Hydrology document to discuss the drain operation and its likely effect*

on the local ground water hydrologic system. By the time revision approval is anticipated, it will have been approximately 2 years since this document has been updated and other portions of the document will undoubtedly require updating as well. This would be a good time for incorporating any other updates to the document, if Falkirk chooses. Please incorporate updates to the PHC of the Underwood Ground Water Hydrology document regarding the French Drain operation, and consider updating any other sections of the document that may require updating at this time with this revision. (BEB)

Please find the addition of the subsection titled "French Drain" in Section 2.2.5 of the stand-alone Underwood Groundwater Hydrology document.

In addition, the following technical deficiencies were noted during the completeness review. They are provided for your information and you do not have to respond to them at this time but may do so if you so choose.

Section 1.5.1 - Permit Area Surface and Coal Interests

- 10. Tract 27: Coal ownership: Timothy J. Leidholm has both addresses crossed out. Other tracts show his address as 3635 Wolf Creek Rd., Coleharbor, ND 58531-9500. Please review and update as necessary. (ZAT)**

The address for coal owner, Timothy J. Leidholm in Tract 27 has been updated.

- 11. Tract 42A: Please add Jim Haasis as Secretary under Corporate Officers. (ZAT)**

Jim Haasis has been added as a Corporate Officer in Tract 42A.

- 12. Tract 34A: Please fix the link to Surface ownership consent document, deed 3371068. (ZAT)**

The link for the Consent Document for Tract 34A has been corrected.

- 13. Please fix the deed link for Tract 75. The land description is Township 146 N, Range 82W, W½NE¼ of Section 33. The consent document, deed FKS121 link takes the reader to FKS021 for Section 20, T146N, R82W. (ZAT)**

The link for the consent document for Tract 75 has been corrected.

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Section 1.5.2 - Adjacent Surface and Coal Ownership and Leasehold Information

- 14. Please review and correct if necessary the name for coal owner Red Crown Royalties, LLC; Township 145 N, Range 82W, Section 7, Lots 1 and 2. The Surface and Coal Ownership Map 1.5.3 lists this as Red Carpet Royalties, LLC. (ZAT)**

The listing in Section 1.5.2 is correct. This item was corrected in the adjacent section of the Surface and Coal Ownership Map, Section 1.5.3.

- 15. Please review and correct as necessary the name for coal owner PXP Acquisition LLC; Township 145N, Range 83W, Section 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$. The Surface and Coal Ownership map 1.5.3 lists it as North Central Oil, PXP Acquisition, LLC. (ZAT)**

The listing in Section 1.5.2 is correct; this item was corrected in the adjacent section of The Surface and Coal Ownership Map, Section 1.5.3.

Sincerely,

THE FALKIRK MINING COMPANY



D. Randall Crooke
Environmental Manager

DRC/dge