



Public Service Commission

State of North Dakota

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January 7, 2014

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

Dear Mr. Crooke:

The Reclamation Division has conducted a completeness review of the application for Revision No. 24 to Surface Coal Mining Permit NAFK-9503 for the Falkirk Mine. The following items were noted during review of the revision application and must be satisfactorily addressed prior to the revision being deemed complete and prior to publication of the notice:

Section 1.1 – Introductory Information

1. The Revision Summary Pages for Revision No. 24 to NAFK-9503 in Section 1.1.2 describes the submission of Revision No. 34 to Permit NAFK-8705. Please review and correct. (BEB/RLK/ZAB)

Section 1.2 – Legal Information

2. Please revise the newspaper notice in Section 1.2.4 so that major mine plan and reclamation schedule changes that are proposed with this revision are discussed first in the notice. It is because of these proposed changes that Revision No. 24 has been deemed a significant revision and subject to the notice requirements. Please restructure the notice as described. (BEB)
3. The newspaper notice for Revision No. 24 in Section 1.2.4i does not include the ownership listing for Tracts 91 and 94 located in the E1/2 of Section 7, T144N, R83W, while the publication map identifies the E1/2 of Section 7 as being in the area affected by the change in pit timing. Please revise the ownership listing as appropriate. (RLK/ZAB/WTG)
4. Please change the address for the Public Service Commission in the last two paragraphs of the newspaper notice from Capitol Building to 600 East Boulevard Ave, Bismarck, ND 58505-0480. (ZAB)
5. As required by NDAC 69-05.2-10-01(1)(b)(4), please edit the last sentence of the second paragraph on page one of the newspaper notice something similar to what follows to reference shaded areas on the accompanying reference map: *Falkirk and the following landowners have lands and/or coal on which the updated mining schedule is proposed **as indicated by the labeled shaded areas on the accompanying reference map:*** (WTG)

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6. It appears that federal coal ownership should be listed for Tract 155 in Section 12, T145N, R84W, of the newspaper notice. Please review this observation and add federal coal ownership to Tract 155 in the newspaper notice if necessary as required by NDAC 69-05.2-10-01(1)(b)(4). (WTG)

Also, the following technical review items were noted during the completeness review that can either be addressed at this time or following our more detailed technical review:

Section 1.3 – Business Entity/Compliance Information

1. Follow-up to midterm item No. 3: Your December 6th response describes that Section 1.3.2, Names of Other Mines, has been updated; however, no changes appear to have been made to the document since Revision No. 19 in July, 2010. If changes are required to this section, please make the changes or updates. (BEB)
2. Please review the address for CT Corporation, the Registered Agent for The Reserve Petroleum Company, in Tract 123 of Section 1.5.1. The address for this corporation was revised in Tracts 122 and 124 and similar changes should be made in Tract 123. (ZAB)
3. Tract 121 in Section 1.5.1 was revised from David J. Leroy to David J. Leroy and Dorothy M. Leroy. Please make the corresponding changes to the Section 1.5.3 Surface and Coal Ownership Map and review the last name Leroy, which is written as LeRoy in other tract descriptions. (ZAB)

Section 3.1 – Operations Plan – General

4. Follow-up to midterm item No. 9: It appears that changes made to Section 3.1.1, anticipated acres disturbed, needs to be revised. The year 2015 is listed twice and the year 2014 has been omitted. Please correct by adding the year 2014 to the list, as that appears to have been your intention. (BEB)

We would appreciate receiving the current mailing addresses of all surface owners within Permit NAFK-9503 in electronic format to help us notify the surface owners of this permit revision as required by NDCC 38-14.1-18(4).

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division