



# Public Service Commission

## State of North Dakota

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March 27, 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 applications for Revision No. 35 and Renewal No. 5 to Permit NAFK-8705 at the Falkirk Mine. The following items were noted during the review and must be addressed prior to publication of the newspaper notice:

### **Section 1.0 – Introductory Information**

1. Please update the addendum information for the Renewal No. 35 application form entitled Reason for Renewal, located on page 93 of Section 1.1.1, by stating that adequate liability insurance will be provided and the reclamation bond is sufficient and will continue in full force for the proposed 5-year renewal period as required by NDAC 69-05.2-11-03(5)(d) and (e). (BEB)
2. Please update and resubmit the Revision Application form, SFN 10562 (1-2004) in the electronic permit and hard copy, to describe the .1-acre change due to the updated permit metes and bounds description and also describe this acreage change in the abbreviated revision summary, Section 1.1.2. The minor acreage correction is not required to be mentioned in the newspaper notice, but does need to be described in the revision application. (JRD/BEB)
3. Follow-up to item No. 2: Please add an explanation to the Fifth Deletion Section 1.2.2h that explains the .10 acre difference between the submitted metes and bounds (137.7 acres) and the approved Bond Release No. 5 acreage (137.6 acres). As discussed on March 21, 2014, the explanation should be the same as that provided in the Stipulation to Reduce Bond for the Bond Release No. 5 area. (ZAB)

**Section 1.2.4 – Newspaper Publication Notice**

4. The first sentence states that the newspaper notification will be published upon notification that this Permit is deemed complete. Since other changes will be made to this notice, that sentence should be changed to state that the advertisement will be published upon notification that the Renewal and Revision applications have been deemed complete. Please update. (BEB)
5. The first paragraph of the notice should be updated to state that “*The Falkirk Mining Company...has filed revision and renewal applications for continuing surface coal mining activities*”, etc. Adding the word revision to the notice should help in providing clarification to the public regarding the revision/renewal relationship that is further addressed in the notice. (BEB)
6. Please update the first paragraph in the advertisement to state that Renewal No. 5 will extend the permit term another five years until July 6, 2019. Currently, the advertisement states that the permit term will be extended until July 16, 2019. (BEB)
7. Nowhere in the public notice is the revision application specifically identified as Revision No. 35. Written comments, objections, or requests for informal conferences or any other information requests by the public should provide a specific revision number that they can identify and reference when requesting information, in particular because of several other pending Falkirk permit revisions ongoing at this time. Please update language in the first paragraph of the advertisement to specifically state Revision No. 35. (BEB)
8. To comply with the requirements of NDAC 69-05.2-10-01(1)(b), please depict and label the cemeteries and county roads within and around the permit area on the Newspaper Publication Map, Section 1.2.4q. (GAW)
9. Please review the coal ownership for the following and revise as appropriate. (ZAB/WTG)
  - a. Donna K. Snyder is listed as a coal owner in the newspaper advertisement for Tract 5, but her name is listed as Donna K. Robbins in Sections 1.5.1 and 1.5.3.
  - b. Susan Snyder is not listed as a coal owner in Tract 5 of the newspaper advertisement, but she is listed as a coal owner in Sections 1.5.1 and 1.5.3.
  - c. It appears the name Clara G. Feuk listed in Tract 22 of the newspaper advertisement should be changed to Cleora G. Feuk, which is how it is listed in the permit.
  - d. Darralu S. Lindblom is listed as a coal owner in Tracts 40 and 40A of the newspaper advertisement and her name appears the same in Section 1.5.1, but her name is listed as Darralu S. Lindholm in Section 1.5.3.
  - e. Please review the red underscore font signifying inserted text for Myron L. Miller coal ownership in Tract 19 that appears as though it should be represented as red strikethrough font signifying deleted text similar to Tracts 18 and 18A.

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10. Please repair the hyperlinks to Lease No. FKA003 in Tract 5, Lease No. 03082 in Tract 21, and Lease No. 03129 in Tract 22 in Section 1.5.1. (ZAB/WTG)

Also, the following technical review items were noted in Section 1.5 that may be addressed now or later after our technical review is conducted:

**Section 1.5 – Identification of Interests and Rights of Entry**

1. Follow-up to item No. 8 for Sections 1.5.1 and 1.5.3: Please review the Right of Entry Documents for the following Tracts as it appears that the leases have expired or the appropriate documentation indicating renewal or extension of the lease is missing for these tracts. (ZAB)
  - a. Coal Lease No. 03061 in Tract 24.
  - b. Coal Lease No. 03059 in Tract 25.
  - c. Coal Lease No. 03102 in Tract 28.
  - d. Coal Lease No. 03045 in Tract 54.
  - e. Coal Lease No. 03155 in Tract 58.
2. Surface Lease No. 03804 for Tracts 57 and 68 appears to have expired in 2013. The Pit Layout and Facilities map depicts haul roads, ponds, equipment and material storage areas, SPGM stockpiles and other mining related features on these tracts. Please provide evidence that Falkirk still has the right to use the surface of the W1/2 of Section 4 and the N1/2NW1/4 of Section 8, T145N, R82W. (ZAB)
3. Although this is a trivial observation, please review and revise as necessary the surface ownership consent document hyperlinks for Tracts 31 and 32. At first glance the casual observer may conclude that the deeds are not accessible because the black deed number hyperlinks are not set apart with colored underscored font. (WTG)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division