

FALKIRK MINE

April 17, 2014

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

**RE: Completeness Review Responses for Revision 35 and Renewal No. 5
to Permit NAFK-8705**

Dear Mr. ~~Deutsch~~ ^{Lin}

Falkirk submits the following responses to the completeness review of the applications for Revision No. 35 and Renewal No. 5 to Permit NAFK-8705 for the Falkirk Mine in your letter dated March 27, 2014 which 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)*

Please see updated Reason for Renewal in Section 1.1.1.

- 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)*

Please see updated Page 1 of the Revision Application form for Revision 35 in the electronic file; a hard copy of this page has also been enclosed in this submittal. Section 1.1.2 has also been updated to reflect the .1 acre change.

3 RC-14-115 Filed 04/21/2014 Pages: 5
Response to the completeness deficiency letter filed by the applicant
Falkirk Mining Company
Randy Crooke

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)***

Please see the note added to the Fifth Deletion Map in Section 1.2.2h.

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)***

Please see updated verbage in the first sentence of Section 1.2.4.

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)***

Please see updated first paragraph of Section 1.2.4.

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)***

Please see updated first paragraph of Section 1.2.4.

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)***

Please see updated first paragraph of Section 1.2.4.

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)***

Please see the updated Public Notice Map, Section 1.2.4q. As discussed with Guy Welch on 4/16/2014, the county roads were added.

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.**

The coal ownership name for Tract 5 has been updated.

- 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.**

The coal ownership name for Tract 5 has been updated.

- 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.**

The coal ownership name for Tract 22 has been updated.

- 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.**

The coal ownership name for Tracts 40 and 40A has been updated.

- 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.**

The red-lining has been corrected for Tract 19.

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)

The hyperlinks in Tracts 5, 21, and 22 have been repaired.

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.***

The leases referred to in a, b, c, and e are being continued beyond their final term by mining operations being conducted on neighboring lands, and by the payment of the annual rental, as stated in the original lease document.

In reference to Item d: The Affidavit of Extension was added to Lease No. 03045 on Tract 54.

- 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)***

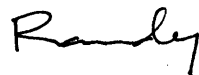
The amendment to the GRE Coal Sales Agreement has been added to Lease No. 03804 on Tracts 57 and 68.

- 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)***

The hyperlinks for Tracts 31 and 32 have been updated.

Sincerely,

THE FALKIRK MINING COMPANY



D. Randall Crooke
Environmental Manager



APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS
PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
 SFN 10562 (1-2004)

Date **March 5, 2014**

Name of Company, Corporation, Partnership, or Individual The Falkirk Mining Company	Permit Number NAFK-8705	Revision Number 35	
Address 2801 1st Street SW	City Underwood	State ND	Zip Code 58575

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)

Revision 35, Renewal #5, addresses the pre-renewal review items for NAFK-8705 noted in the NDPSC's letter dated January 9, 2014. Updated information includes legal and financial, soils, wildlife monitoring, operations, reclamation and monitoring plans, and Permit conditions. The acreage adjustment indicated below represents the difference in survey results using GPS versus conventional surveying methodology. The revision also includes the stand-alone post-mining hydrologic assessment of the West Mine Area.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
Falkirk Mine	- 0.1				
ADDRESS					
2801 1st Street SW					
Underwood, ND 58576					
TOTAL ACRES	- 0.1				

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ -0- , is included with the revision application.

Name of Official Authorized to Represent the Applicant
Jeremy J. Eckroth, Environmental Specialist

- I, the above named, certify that:
- All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
 - Information and documentation contained in the permit application affirmatively demonstrate that:
 - The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
 - Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;