



Public Service Commission

State of North Dakota

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November 13, 2015

Mr. Jason Frye
Environmental Specialist
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087

Dear Mr. Frye:

The Reclamation Division has conducted a completeness review of the applications for Revision No. 35 and Renewal No. 6 to Permit NAFK-8405. The revision is in response to the Reclamation Division's pre-renewal review letter for Permit NAFK-8405 dated September 23, 2015. The items listed below must be satisfactorily addressed before the applications can be deemed complete. Please respond in a timely manner so that publication of the public notice and the more detailed Technical review can begin.

Section 1.2.4 – Newspaper Publication Notice

1. Please review and revise the public notice to address the following inconsistencies between the public notice and the ownership information in Section 1.5 of the renewal application: (RLK)
 - a. Tract 26 – The word “less” appears to be missing from the description for Tract 26 in the public notice. The tract is identified as Section 34: NW1/4SE1/4, NE1/4SW1/4, **Less** Soo Line Railroad in Section 1.5.1, Identification of Interests and Rights of Entry, in the permit application.
 - b. Tract 28 – The public notice does not include Altair Corporation in the coal ownership list for Tract 28. The ownership map and listing in Section 1.5 of the permit application have been updated to identify this coal owner.
 - c. Tract 30 – The public notice includes a listing for Tract 30 with a statement that the tract has been merged with adjoining tracts. As noted in the permit, the tract was previously used to cover the U.S. Highway No. 83 Right-of-Way. Please consider removing this entry from the public notice since the information is now included in other tracts within the permit.
 - d. Tract 38 – The public notice does not list The Falkirk Mining Company as a coal owner in Tract 38. The permit information in Section 1.5.1 and 1.5.3 lists Falkirk as having 10% coal ownership in Tract 38.

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Bruce Johnson

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- e. Tract 48 – The land description for Tract 48 was revised in Section 1.5.1 to exclude the W1/2 of a 1.17 acre tract rather than the E1/2 of this tract. It appears that the description in the public notice should be updated to read Section 15: NW1/4, less the W1/2 of a 1.17 acre tract.
 - f. Tract 49 – The land description for Tract 49 was revised in Section 1.5.1 to refer to the W1/2 of Lot 2 in Section 15 rather than the E1/2 of the lot. It appears that the first part of the description in the public notice should be updated to read Section 15: The W1/2 of Lot 2 located in the NW1/4NW1/4.
 - g. The first sentence of the second to last paragraph should be revised to refer to copies of the application for revision and renewal of a surface coal mining permit rather than just for a revision.
2. Please add a statement to the end of the second paragraph of the newspaper notice that states Revision 35 identifies the coal removal subarea that will be mined during the next 5-year permit term. (ZAB)

Section 3.6 Surface Water Management

3. Please correct the permit boundary location depicted on the Total Water Management Plan Map, Section 3.6.1a. The permit boundary is not depicted correctly in relation to the other information shown on the map. (RLK)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division