

November 18, 2015

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, Renewal #6 to Permit NAFK-8405**

Dear Mr. Deutsch:

Enclosed are three DVDs containing the completeness review responses for Revision 35, Renewal #6 to Permit NAFK-8405 submitted October 30, 2015.

Revision 35 and Renewal #6 addresses the pre-renewal review items for NAFK-8405 noted in the NDPSC's letter dated September 23, 2015. Updated information includes surface and coal interest and ownership, fish and wildlife management plan, wildlife monitoring plan, operation and reclamation plans and surface water information. New information to the permit includes stream profiles and length comparisons for selected ephemeral drainages and calculated flow velocities in reclaimed drainage way channels.

If you have any questions regarding the enclosed materials or require additional information, please advise.

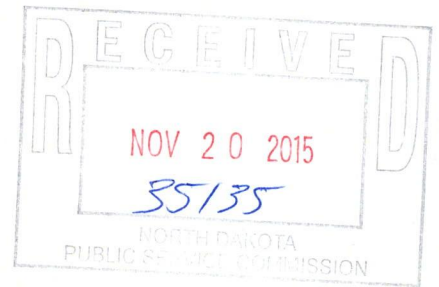
Sincerely,

**THE FALKIRK MINING COMPANY**

Jason Frye  
Environmental Specialist

JF/tv  
Enc.

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Response to the completeness deficiency letter filed by the applicant  
Falkirk Mining Company



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Mr. James R. Deutsch  
Reclamation Director  
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Bismarck, ND 58505

**RE: Completeness Review Responses for Revision 35, Renewal #6 to Permit NAFK-8405**

Dear Mr. Deutsch:

Falkirk submits the following responses to the completeness review of the application for Revision No. 35, Renewal #6 to Surface Coal Mining Permit NAFK-8405 for The Falkirk Mine in your letter dated November 13, 2015.

**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.***

Please see updated Tract 26 in Section 1.2.4, Newspaper Publication Notice.

- 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.***

Please see updated Tract 28 in Section 1.2.4, Newspaper Publication Notice.

- 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.*

Please see updated Tract 30 in Section 1.2.4, Newspaper Publication Notice.

- 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.*

Please see updated Tract 38 in Section 1.2.4, Newspaper Publication Notice.

- 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.*

Please see updated Tract 48 in Section 1.2.4, Newspaper Publication Notice.

- 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.*

Please see updated Tract 49 in Section 1.2.4, Newspaper Publication Notice.

- 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.*

Please see updated second to last paragraph in Section 1.2.4, Newspaper Publication Notice.

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)*

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Please see updated Section 1.2.4, Newspaper Publication Notice.

**Section 3.6 Surface Water Management**

***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)***

Please see updated Section 3.6.1a, Total Water Management Plan Map.

Sincerely,

**THE FALKIRK MINING COMPANY**



Jason Frye  
Environmental Specialist

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Enc.