

December 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 27, Renewal #4 to Permit NAFK-9503**

Dear Mr. Deutsch:

Enclosed are three DVDs containing the completeness review responses for Revision 27, Renewal #4 to Permit NAFK-9503 and a revised application for renewal submitted December 2, 2015.

Revision 27 and Renewal #4 addresses the pre-renewal review items for NAFK-9503 noted in the NDPSC's letter dated October 7, 2015. Updated information includes surface and coal interest and ownership, cultural and historic resources, description of ground water hydrology, fish and wildlife management plan, wildlife monitoring plan, operation and reclamation plans, surface water information and post-mining land use and revegetation. 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.



**APPLICATION FOR RENEWAL OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS**  
**PUBLIC SERVICE COMMISSION**  
**RECLAMATION DIVISION**  
 SFN 10566 (1-2004)

Name of Permittee The Falkirk Mining Company		Date December 2, 2015	
Address 2801 1st Street SW		City Underwood	Permit Number NAFK-9503
		State ND	Zip Code 58576

The above named hereby makes application for Renewal Number 4 of the above Permit Number in order to continue to engage in surface coal mining and reclamation operations within the area described below in the permit during the period from April 17, 2016 to April 17, 2021.

The reasons for requesting the renewal is attached and any changes to the matters set forth in the approved Permit are particularly described in the accompanying revision application.

The applicable public notice provisions of Section 38-14.1-18 of the North Dakota Century Code have been complied with. A copy of the advertisement is attached and affidavits of publications will be furnished to the Commission prior to issuance of the Permit Renewal.

Bond for surface coal mining and reclamation operations and liability insurance will be provided for the proposed period of renewal. Attached is a statement evidencing that the bond is sufficient and will continue in full force for the renewal period and that liability insurance will be provided for the renewal period.

LOCATION				ACRES
SECTION	TOWNSHIP	RANGE	COUNTY	
		See the Attached	Description of Permit Area	
<b>TOTAL ACRES</b>				29,310.4

Signature of Official <i>Tara Voigt</i>	Title Environmental Specialist
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**VERIFICATION**

Name of Official Jay H. Kost, President
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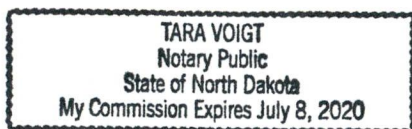
I, the above named, being first and duly sworn, verify that the information contained in the Permit Renewal Application is true and correct to the best of my knowledge and belief.

Signature of Official <i>Jay H Kost</i>	Title President
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STATE OF North Dakota )  
 )ss.  
 COUNTY OF McLean )

Subscribed and Sworn before me, this 18<sup>th</sup> day of December, 2015.

(SEAL)



*Tara Voigt*  
 Notary Public  
 My Commission Expires: July 8, 2020

Description of Permit Area in McLean County:

Sections 29, 30, 31 and 32, T146N, R83W

Section 36, T146N, R84W

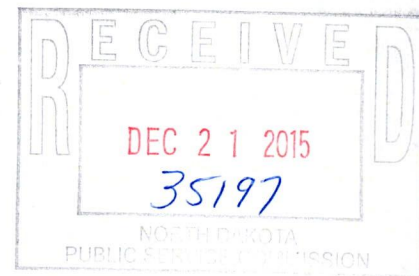
Sections 7, 18, 19, and 30, T145N, R82W

Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36, T145N, R83W

Sections 1, 2, 12, and 13, T145N, R84W

Sections 4, 5, 6, 7, 9, T144N, R83W

Sections 1, 2, 3, 10, 11, and 12, T144N, R84W



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**RE: Completeness Review Responses for Revision 27, Renewal #4 to Permit NAFK-9503**

Dear Mr. Deutsch:

Falkirk submits the following responses to the completeness review of the application for Revision No. 27, Renewal #4 to Surface Coal Mining Permit NAFK-9503 for The Falkirk Mine in your letter dated December 15, 2015.

**Section 1.1 – Introductory Information**

- 1. The renewal application form must be corrected to identify all lands currently in Permit NAFK-9503. It appears the Revision 20 addition area has been omitted. The total acres should also be corrected to reflect the current total area of 29,310.4 acres. (RLK/BEB/ZAB)***

Please see updated renewal application in Section 1.1.1, Application Forms.

**Section 1.2 – Legal Information**

- 2. Please update and re-submit the Newspaper Publication Notice provided in Section 1.2.4 to include the area added with Revision 20 and provide the correct acreage associated with the permit area. (BEB/RLK/GAW/ZAB)***

Please see updated Section 1.2.4, Newspaper Publication Notice.

- 3. Please review the public road closure plan and revise the advertisement if necessary if any additional roads are going to be relocated during the next term of the permit. The Revision 20 notice discussed closing all roads in the permit and relocating the road***

***(CR. 16) between Sections 4 & 9, 5 & 8, 6 & 7 of T145N, R83W and Sections 1 & 12 of T145N, R84W one-half to one mile south but it is not clear if an alternative route of travel is planned for the closure of the roads between Sections 7 & 8, 8 & 9, 9 & 10 and 10 & 11 of T145N, R83W. It is also not clear how traffic is planned on reclaimed County Road 20 and relocated County Road 19 west and north of the Birka Church during the next term of the permit. This should be explained in the public notice if additional route changes are planned. (GAW)***

Please see updated Section 1.2.4, Newspaper Publication Notice and updated Section 1.2.4j, Newspaper Publication Reference Map, Revision 27, Renewal 4. No alternative route of travel is needed at this time for roads between Sections 7 & 8, 8 & 9, 9 & 10 and 10 & 11 of T145N, R83W.

- 4. The public notice states that the permit location map shows the location of the City of Underwood, North Dakota; however, the map does not show the location of Underwood. Please update either the map or the notice. Also it appears that the permit area would be contained on portions of several USGS 7.5 minute quadrangle maps rather than just the "Washburn" map. Please update the map reference or revise the narrative to refer to the map attached to the public notice or alternatively, you may remove all references to USGS 7.5 minute quadrangle maps since this information is no longer required by our rules. (BEB/RLK)***

Please see updated Section 1.2.4, Newspaper Publication Notice, and Section 1.2.4j, Newspaper Publication Reference Map, Revision 27, Renewal 4.

#### **Section 1.5.1 Permit Area Surface and Coal Interests**

- 5. A copy of Deed No. FKS195 appears to have been omitted from the application. The document should hyperlink to the surface ownership listing for Tracts 48 and 51. (RLK/ZAB)***

Please see updated Tracts 48 and 51 in Section 1.5.1, Permit Area Surface and Coal Interests. The hyperlink to Deed No. FKS195 has been relinked in the surface ownership listing

- 6. Please update the address for Forrest W. Ecklund and Alyce F. Ecklund in Tract 102 so the same address is listed in surface ownership and coal ownership. (ZAB)***

Please see updated Tract 102 in Section 1.5.1, Permit Area Surface and Coal Interests. The address for Forrest W. Ecklund and Alyce F. Ecklund was updated in the surface ownership listing.

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7. *In Tract 129, please update Terry D. Johnson's address in the coal ownership listing so his address is the same in both the surface and coal ownership listings. (ZAB)*

Please see updated Tract 129 in Section 1.5.1, Permit Area Surface and Coal Interests. The address for Terry D. Johnson was updated in the coal ownership listing.

**Section 2.2 – Description of Ground Water Hydrology**

8. *Follow-up to pre-renewal review item No. 8: All of the maps in Section 2.2 that were revised to show updated pit progression limits now have the monitoring well locations within the mined-out areas covered up by the pit progression layer. Please place the monitoring well identification and location layers on top of the pit progression layers so that the well locations can be viewed on the map. Also, please review all of the potentiometric surface maps because the updated pit progression layer on those maps now cover up the ground water potentiometric contour lines and elevations that the map is intended to show. (BEB)*

Please see updated maps in Section 2.2, Description of Ground Water Hydrology.

*Follow-up to pre-renewal review item No. 11: Please update the Monitoring Well Information table in Section 2.2.16 to show that replacement ground water monitoring wells 341-1 and 349-1, 2, 3 are in Active status. If you choose, this item can be addressed during technical review of the revision application. (BEB)*

Please see updated Section 2.2.16, Monitoring Well Information.

Sincerely,

**THE FALKIRK MINING COMPANY**



Jason Frye  
Environmental Specialist

JF/tv