

May 1, 2018

Mr. Dean K. Moos
Reclamation Director
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505

RE: Affidavit of Publication for Revision 38, to Permit NAFK-8405

Dear Mr. Moos:

Please find enclosed copies of the Affidavit of Publication for Revision 38, to Falkirk's Mining Permit NAFK-8405. The publication was published for four consecutive weeks in The McLean County Independent and in The Bismarck Tribune on March 29th, April 5th, 12th, and 19th, 2018.

If you have any questions or comments, please call 250-2420 or email me at tara.voigt@nacoal.com.

Sincerely,

THE FALKIRK MINING COMPANY

Tara Voigt
Executive Assistant

TV
Attachments

12 RC-18-20 Filed 05/03/2018 Pages: 7
Affidavits of publication of public notice
Falkirk Mining Company



Classified Advertising Invoice

Bismarck Tribune

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APR 25 2018

THE FALKIRK MINING COMPANY

2801 1ST ST SW
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UNDERWOOD, ND 58576

Customer: 60018525
Phone: (701) 250-2472
Date: 04/19/2018

CREDIT CARD PAYMENT (circle one)



Card #: _____
Exp Date: _____
Signature: _____
Credit card users: Fax to 319-291-4014

Date	Order #	Type	Order Amt
04/19/18	20929494	INV	3,920.00

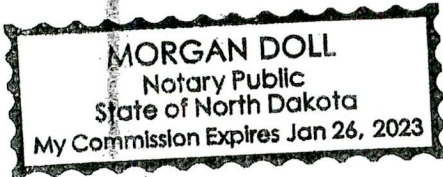
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03/29/18	04/19/18		PO91014 OP / Permit NAFK-8405 Bismarck Tribune	382.00	Legals	3,920.00	3,920.00

Affidavit of Publication
 State of North Dakota) SS County of Burleigh
 Before me, a Notary Public for the State of North Dakota
 personally appeared Jill who being duly sworn, deposes
 and says that he (she) is the Clerk of Bismarck Tribune Co.,
 and that the publication(s) were made through the
Bismarck Tribune on the following dates:
3/29, 4/5, 12+19 Signed Jill Lindsay
 sworn and subscribed to before me this 23rd
 day of April 2018
Morgan Doll
 Notary Public in and for the State of North Dakota



Please return invoice or put order number on check. Thank You.

Remarks _____ Total Due: 3,920.00

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**NOTICE OF FILING A REVISION TO ADD AREA TO AN
EXISTING SURFACE COAL MINING PERMIT**

The Falkirk Mining Company, P.O. Box 1087, Underwood, ND 58576, has filed an application (Revision No. 38) to revise surface coal mining activities in Permit NAFK-8405 to add 1680.1 acres to the permit. The permit revision adds mining plans for the S½ of Section 3, S½ of Section 4, SE¼ of Section 5, portions of the N½ of Section 8, N½ of Section 9 and the N½ of Section 10, T146N, R82W, approximately 2 miles north of Underwood. Information that was updated in the permit includes all introductory, legal, financial, compliance information, environmental, operations and reclamation sections. The stand-alone Underwood Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

The map shows the location of the City of Underwood, North Dakota and the outline of the permit area.

The owners of the surface and coal in the area affected by the permit revision are as follows:

TRACT 84

Township 146 North, Range 82 West

Section 3: SE¼

Surface Ownership: The Falkirk Mining Company
Coal Ownership: United States of America - Bureau of Land Management
Howard T. Huber
Darlene Huber
Ronald A. Huber

TRACT 85

Township 146 North, Range 82 West

Section 3: N½SW¼ less a tract of land lying in the southwest corner described as follows: Beginning in the southwest corner, thence north along the west section line of said N½SW¼ a distance of 507.40 feet; thence east a distance of 889.00 feet; thence south a distance of 507.40 feet; thence west a distance of 889.00 feet to the point of beginning.

Surface Ownership: Stuart Busch and Paula Busch
Dallas Benzmilller and Vicki Benzmilller
Dennis J. Dietz, Life Estate
Remaindermen:
Stephen M. Dietz and Heather E. Peck
Troy Buller and Stephanie Buller
Leslie Forland and Wendy Forland
Cassie Busch
Stacey Busch
Richard Brunelle and Deann Brunelle
Coal Ownership: Stuart Busch and Paula Busch
Dallas Benzmilller and Vicki Benzmilller
Dennis J. Dietz, Life Estate
Remaindermen:
Stephen M. Dietz and Heather E. Peck
Troy Buller and Stephanie Buller
Leslie Forland and Wendy Forland
Cassie Busch
Stacey Busch
Richard Brunelle and Deann Brunelle

TRACT 86

Township 146 North, Range 82 West

Section 3: Outlot A and Outlot B in the SW¼

Surface Ownership: The Falkirk Mining Company
Coal Ownership: The Falkirk Mining Company

TRACT 87

Township 146 North, Range 82 West

Section 3: S½SW¼ less that portion of Out Lot B contained therein

Surface Ownership: Howard Busch and Virginia Busch
Coal Ownership: Howard Busch and Virginia Busch

TRACT 88

Township 146 North, Range 82 West

Section 4: S½

Surface Ownership: William G. Wilson, Jr. and Nancy Wilson
Coal Ownership: William G. Wilson, Jr. and Nancy Wilson
Connie M. Meier
Frederick Wilson and Becki J. Wilson
North Dakota Department of Trust Lands

TRACT 89

Township 146 North, Range 82 West

Section 5: SE¼

Surface Ownership: David P. Kjelstrup
Kjelstrup Land Holdings, LLLP
Subject to Contract for Deed from:
Ronald C. Johnson, as Trustee of the Ronald C. Johnson
Revocable Trust dated 03-31-98
Coal Ownership: Sue Ellen Gruman Kraft
Karla Gruman Rippchen
Audra Rose Coppa
Mark Edward Gruman
Camille Wissmann
David P. Kjelstrup
Kjelstrup Land Holdings, LLLP
Subject to Contract for Deed from:
Ronald C. Johnson, as Trustee of the Ronald C. Johnson
Revocable Trust dated 03-31-98
H. Huffman & Co.
Pogo Producing Company, LLC

TRACT 89

Township 146 North, Range 82 West

Section 8: W½ east of U.S. Hwy. 83 right-of-way

Surface Ownership: The Falkirk Mining Company
Coal Ownership: Elizabeth Bussman

TRACT 90

Township 146 North, Range 82 West

Section 8: NE¼

Surface Ownership: The Falkirk Mining Company
Coal Ownership: Claudia G. Tauer

TRACT 91

Township 146 North, Range 82 West

Section 9: NW¼ less Lot A in the SW¼NW¼ described as follows: Beginning at the west quarter corner of said Section 9, thence north 700.00 feet, thence east 700.00 feet, thence south 700.00 feet, thence west along the quarter section line 700.00 feet to the point of beginning, containing 11.25 acres.

Surface Ownership: Monte J. Miller
Coal Ownership: Monte J. Miller

TRACT 60

Township 146 North, Range 82 West

Section 9: Lot A in the SW¼NW¼ described as follows: Beginning at the west quarter corner of said Section 9, thence north 700.00 feet, thence east 700.00 feet, thence south 700.00 feet, thence west along the quarter section line 700.00 feet to the point of beginning, containing 11.25 acres.

Surface Ownership: Laurel Miller
Coal Ownership: Laurel Miller

TRACT 61

Township 146 North, Range 82 West

Section 9: NE¼

Surface Ownership: The Falkirk Mining Company

Coal Ownership: Ronald J. Leidholm and Mary T. Leidholm
 Renee C. Thorp
 Barbara C. Braun
 George M. Ackre and Susan R. Ackre
 James R. Britton, as Trustee of the James R. Britton Family Trust
 Janet G. Britton, Trustee of the Britton Trust dated 10-20-14
 Gordon O. Olson and Ellen Olson
 M. Jean Sitz
 Richard C. Lord and Myrna K. Lord

TRACT 65

Township 146 North, Range 82 West

Section 10: E½ less tracts of 2.81 acres, 5.00 acres, and 7.00 acres

Surface Ownership: The Falkirk Mining Company

Coal Ownership: United States of America - Bureau of Land Management

Frank J. Bavendick

John R. Dyer

Lolette H. Pearce

TRACT 92

Township 146 North, Range 82 West

Section 10: NW¼

Surface Ownership: Howard Busch and Virginia Busch

Coal Ownership: Howard Busch and Virginia Busch

Operations within 100 feet of the outside right-of-way of the following sections will be necessary during the planned mining for the current permit area and the area added to the permit as part of Revision No. 38. Prior to the operations being conducted in these areas, Falkirk will obtain the approval of the Board of McLean County Commissioners, the road authority, subject to public notice and hearing.

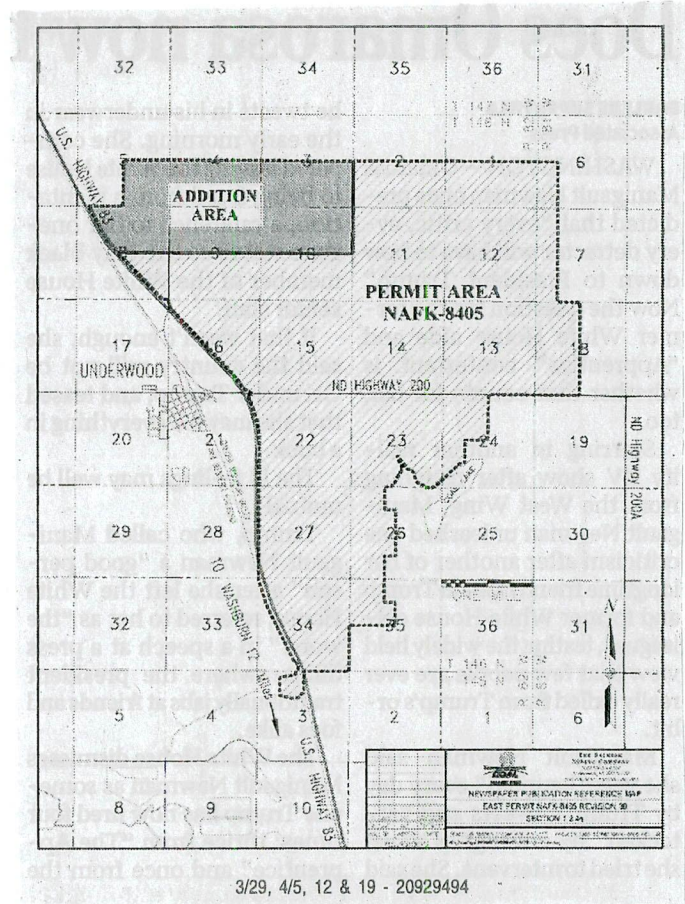
1. The north-south section line between the SE¼ of Section 3 and the SW¼ of Section 2, T146N, R82W.
2. The north-south section line between the SE¼ of Section 4 and the SW¼ of Section 3, T146N, R82W.
3. The north-south section line between the SE¼ of Section 5 and the SW¼ of Section 4, T146N, R82W.
4. The north-south section line between Section 8 and Section 9, T146N, R82W.
5. The north-south section line between Section 9 and Section 10, T146N, R82W.
6. The east-west section line between Section 3 and Section 10, T146N, R82W.
7. The east-west section line between Section 4 and Section 9, T146N, R82W.
8. The east-west section line between Section 5 and Section 8, T146N, R82W.
9. The east-west section line between Section 9 and Section 16, T146N, R82W.

As shown in the permit application, mining and related construction activities will be located across several section lines. The area added to the permit as part of Revision No. 38 will require temporary closure of several section lines to allow mining to proceed. None of these section lines are occupied by a road that will require relocation during the term of mining and reclamation. Prior to the operations being conducted in these areas, Falkirk will obtain the approval of the Board of McLean County Commissioners to temporarily close the following section lines during the term of mining and reclamation:

1. The north-south section line between the SE¼ of Section 3 and the SW¼ of Section 2, T146N, R82W.
2. The north-south section line between the SE¼ of Section 4 and the SW¼ of Section 3, T146N, R82W.
3. The north-south section line between the SE¼ of Section 5 and the SW¼ of Section 4, T146N, R82W.
4. The north-south section line between the NE¼ of Section 8 and the NW¼ of Section 9, T146N, R82W.
5. The north-south section line between the NE¼ of Section 9 and the NW¼ of Section 10, T146N, R82W.
6. The north-south section line between the NE¼ of Section 10 and the NW¼ of Section 11, T146N, R82W.
7. The east-west section line between Section 3 and Section 10, T146N, R82W.
8. The east-west section line between Section 4 and Section 9, T146N, R82W.
9. The east-west section line between Section 5 and Section 8, T146N, R82W.

Copies of the application for this revision of a surface coal mining permit are available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Ave., Bismarck, ND 58505-0480 and at the office of the County Auditor, McLean County Courthouse, Washburn, ND 58577.

Written comments, objections, or requests for informal conferences on the application may be submitted by any person with an interest which is or may be adversely affected to the North Dakota Public Service Commission, 600 East Boulevard Ave., Bismarck, ND 58505-0480 within 30 days after the last publication of this notice. The written request should state the concerns or objections regarding the revision.



AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)
)
) SS
COUNTY OF McLean)

I SHELLEY CHASE, being first duly sworn, on my own oath, say, that I am the bookkeeper of the McLean County Independent, a weekly newspaper of general circulation, published in the city of Garrison, that the advertisement headed:

FALKIRK MINING CO GR-PO#91015 OP PERMIT REVISION/LEGAL

a printed copy of which is here annexed, was published in the regular and entire issue of said newspaper during the period and time of publication, and that the notice was published in the newspaper proper, and not in a supplement,

for 4 consecutive week 04/19/2018 to wit:

Column Inches 55	\$6.38	\$368.50	03/29/2018
Column Inches 55	\$6.38	\$368.50	04/05/2018
Column Inches 55	\$6.38	\$368.50	04/12/2018
Column Inches 55	\$6.38	\$368.50	04/19/2018

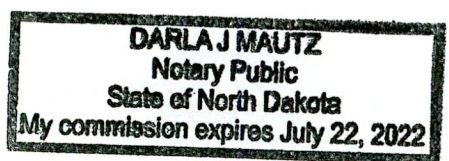
Notary Fee \$1.00 Total Cost of Legal \$1,475.00

Shelley Chase

Subscribed and sworn to before me this 19th day of April A.D. 2018.

(Seal) *Darla J Mautz*
Notary Public, State of North Dakota

My Commission Expires



Public notice of mining permit revision

NOTICE OF FILING A REVISION TO ADD AREA TO AN EXISTING SURFACE COAL MINING PERMIT

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TRACT 84 Township 146 North, Range 82 West

Section 3: SE¼
Surface Ownership:
The Falkirk Mining Company
Coal Ownership: United States of America - Bureau of Land Management
Howard T. Huber
Darlene Huber
Ronald A. Huber

TRACT 85 Township 146 North, Range 82 West

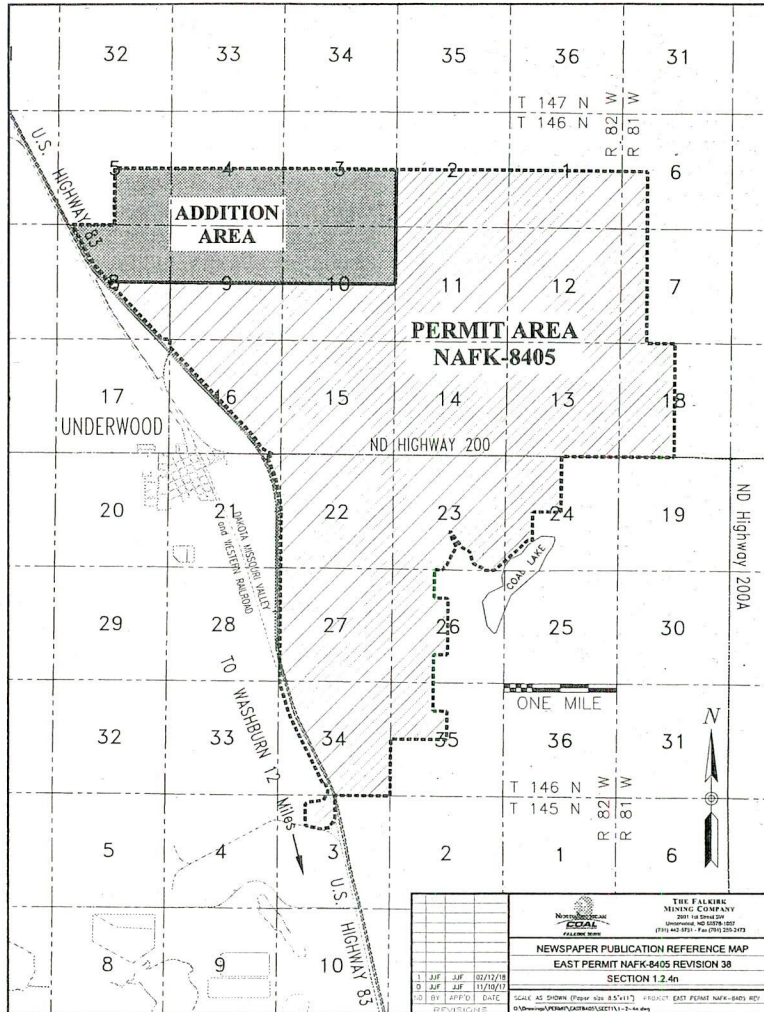
Section 3: N½SW¼ less a tract of land lying in the southwest corner described as follows: Beginning in the southwest corner, thence north along the west section line of said N½SW¼ a distance of 507.40 feet; thence east a distance of 889.00 feet; thence south a distance of 507.40 feet; thence west a distance of 889.00 feet to the point of beginning.

Surface Ownership:
Stuart Busch and Paula Busch
Dallas Benzmilller and Vicki Benzmilller
Dennis J. Dietz, Life Estate
Remaindermen:
Stephen M. Dietz and Heather E. Peck

Troy Buller and Stephanie Buller
Leslie Forland and Wendy Forland
Cassie Busch
Stacey Busch
Richard Brunelle and Deann Brunelle
Coal Ownership:
Stuart Busch and Paula Busch
Dallas Benzmilller and Vicki Benzmilller

Dennis J. Dietz, Life Estate
Remaindermen:
Stephen M. Dietz and Heather E. Peck

Troy Buller and Stephanie Buller
Leslie Forland and Wendy Forland
Cassie Busch
Stacey Busch
Richard Brunelle and Deann Brunelle



North Dakota Department of Trust Lands

TRACT 89 Township 146 North, Range 82 West

Section 5: SE¼
Surface Ownership:
David P. Kjelstrup
Kjelstrup Land Holdings, LLLP
Subject to Contract for Deed from:
Ronald C. Johnson, as Trustee of the Ronald C. Johnson Revocable Trust dated 03-31-98

Coal Ownership:
Sue Ellen Gruman Kraft
Karla Gruman Rippchen
Audra Rose Coppa
Mark Edward Gruman
Camille Wissmann
David P. Kjelstrup
Kjelstrup Land Holdings, LLLP
Subject to Contract for Deed from:
Ronald C. Johnson, as Trustee of the Ronald C. Johnson Revocable Trust dated 03-31-98
H. Huffman & Co.
Pogo Producing Company, LLC

TRACT 59 Township 146 North, Range 82 West

Section 8: W½ east of U.S. Hwy. 83 right-of-way
Surface Ownership:
The Falkirk Mining Company
Coal Ownership:
Elizabeth Bussman

quarter section line 700.00 feet to the point of beginning, containing 11.25 acres.

Surface Ownership:
Laurel Miller
Coal Ownership:
Laurel Miller

TRACT 61 Township 146 North, Range 82 West

Section 9: NE¼
Surface Ownership:
The Falkirk Mining Company
Coal Ownership:
Ronald J. Leidholm and Mary T. Leidholm

Renee C. Thorp
Barbara C. Braun
George M. Ackre and Susan R. Ackre
James R. Britton, as Trustee of the James R. Britton Family Trust
Janet G. Britton, Trustee of the Britton Trust dated 10-20-14
Gordon O. Olson and Ellen Olson
M. Jean Sitz
Richard C. Lord and Myrna K. Lord

TRACT 65 Township 146 North, Range 82 West

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Surface Ownership:
The Falkirk Mining Company
Coal Ownership:
United States of America - Bureau of Land Management
Frank J. Bavendick
John R. Dyer

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6. The east-west section line between Section 3 and Section 10, T146N, R82W.

7. The east-west section line between Section 4 and Section 9, T146N, R82W.

8. The east-west section line between Section 5 and Section 8, T146N, R82W.

9. The east-west section line between Section 9 and Section 16, T146N, R82W.

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3. The north-south section line between the SE¼ of Section 5 and the SW¼ of Section 4, T146N, R82W.

4. The north-south section line between the NE¼ of Section 8 and the NW¼ of Section 9, T146N, R82W.

5. The north-south section line between the NE¼ of Section 9 and the NW¼ of Section 10, T146N, R82W.

6. The north-south section line between the NE¼ of Section 10 and the NW¼ of Section 11, T146N, R82W.

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8. The east-west section line between Section 4 and Section 9, T146N, R82W.

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(March 29, April 5, 12, 19, 2018)

TRACT 86
Township 146 North, Range 82
West
**Section 3: Outlot A and Outlot B
in the SW¼**
Surface Ownership:
The Falkirk Mining Company
Coal Ownership:
The Falkirk Mining Company

TRACT 87
Township 146 North, Range 82
West
**Section 3: S½SW¼ less that por-
tion of Out Lot B contained therein**
Surface Ownership:
Howard Busch and Virginia Busch
Coal Ownership:
Howard Busch and Virginia Busch

TRACT 88
Township 146 North, Range 82
West
Section 4: S½
Surface Ownership:
William G. Wilson, Jr. and Nancy
Wilson
Coal Ownership:
William G. Wilson, Jr. and Nancy
Wilson
Connie M. Meier
Frederick Wilson and Becki J. Wilson

TRACT 90
Township 146 North, Range 82
West
Section 8: NE¼
Surface Ownership:
The Falkirk Mining Company
Coal Ownership:
Claudia G. Tauer

TRACT 91
Township 146 North, Range 82
West
**Section 9: NW¼ less Lot A in the
SW¼NW¼ described as follows: Be-
ginning at the west quarter corner of
said Section 9, thence north 700.00
feet, thence east 700.00 feet, thence
south 700.00 feet, thence west along
the quarter section line 700.00 feet
to the point of beginning, containing
11.25 acres.**
Surface Ownership:
Monte J. Miller
Coal Ownership:
Monte J. Miller

TRACT 90
Township 146 North, Range 82
West
**Section 9: Lot A in the SW¼NW¼
described as follows: Beginning
at the west quarter corner of said
Section 9, thence north 700.00 feet,
thence east 700.00 feet, thence south
700.00 feet, thence west along the**

TRACT 92
Township 146 North, Range 82
West
Section 10: NW¼
Surface Ownership:
Howard Busch and Virginia Busch
Coal Ownership:
Howard Busch and Virginia Busch
Operations within 100 feet of the
outside right-of-way of the following
sections will be necessary during the
planned mining for the current permit
area and the area added to the permit
as part of Revision No. 38. Prior to the
operations being conducted in these
areas, Falkirk will obtain the approval
of the Board of McLean County Com-
missioners, the road authority, subject
to public notice and hearing.

1. The north-south section line be-
tween the SE¼ of Section 3 and the
SW¼ of Section 2, T146N, R82W.
2. The north-south section line be-
tween the SE¼ of Section 4 and the
SW¼ of Section 3, T146N, R82W.
3. The north-south section line be-
tween the SE¼ of Section 5 and the
SW¼ of Section 4, T146N, R82W.
4. The north-south section line be-
tween Section 8 and Section 9, T146N,
R82W.