

September 4, 2020

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

RE: Revision 41, Renewal #7 Pre-Renewal Review Responses To Permit NAFK-8405

Dear Mr. Moos:

Falkirk submits the following responses to the pre-renewal review items noted in your August 10, 2020 letter to existing Permit NAFK-8405.

Section 1.3.2 Names of Other Mines

- 1. Please update Section 1.3.2, Names of Other Mines, if changes have occurred since the approval of Revision No. 38. (BEB/PJR)***

Please see updated Sections 1.1.6, 1.3.1, 1.3.2, and 1.3.3.

Section 1.3.5 Other Licenses and Permits

- 2. Please update Section 1.3.5, Other Licenses and Permits, if changes have occurred since updates were made to the permit with the application for Revision No. 40. (BEB)***

No changes have occurred to Other Licenses and Permits in Section 1.3.5 since Revision No. 40.

Section 1.5 Identification of Interests and Rights of Entry

- 3. If necessary, please update the surface and coal ownership interests listed in Section 1.5.1 and adjacent surface and coal ownership and leasehold information in Section 1.5.2. Any changes to either of these sections since updates made with Revision No.***

1 RC-20-393 Filed 09/08/2020 Pages: 6

Renewal application filed to extend the permit term another five years, until April 15, 2026

Falkirk Mining Company

Jason Frye

The Falkirk Mining Company, a subsidiary company of The North American Coal Corporation

Falkirk Mine • 2801 First Street SW • PO Box 1087 • Underwood, North Dakota 58576-1087 • 701-442-5751 • Fax 701-442-5288 • www.nacoal.com

40 should also be reflected on the Surface and Coal Ownership Map in Section 1.5.3. (BEB/PJR)

Please see updated Certificate of Authenticity of Documents, Section 1.5.1, Permit Area Surface and Coal Interests, Section 1.5.2, Adjacent Surface and Coal Interests, Section 1.5.3, Surface and Coal Ownership Map.

Section 2.4 Fish and Wildlife Resources

- 4. Please review Section 2.4.3, Wildlife Monitoring Plan, and update to address any changes proposed for the next term of the permit. Also, the Northern Long Eared Bat narrative should be updated since North Dakota is no longer outside of the white-nose syndrome buffer area. (PJR/GAW)***

Please see the updated Wildlife Monitoring Plan in Section 2.4.3.

Section 2.6 – Surface Water Information and Monitoring Plan

- 5. If updates are necessary since approval of Revision No. 38, please update the Surface Water Monitoring Plan in Section 2.6.7 and Surface Water Monitoring Stations information in Section 2.6.8. (BEB)***

Please see the updated Surface Water Monitoring Plan in Section 2.6.7. No updates were necessary in the Surface Water Monitoring Stations information in Section 2.6.8. The Surface Water Features and Monitoring Sites Map was updated in Section 2.6.4 to update the rain gauge locations and to show Final Bond Release Number 2.

Section 3.0 - Operation Plans

- 6. Please update the appropriate operations portion of the permit to identify the next 5-year coal removal sub areas and any other changes in the operations, transportation, or surface water management sections that Falkirk anticipates in the existing permit area over the next 5-year permit term. (BEB/PJR)***

Please see the updated operations narrative in Sections 3.1.1. The Transportation Facilities Map in Section 3.5.2 has been updated with deficiency number 13. Also, please see the updates to the surface water management sections that are listed in the additional updates listed below.

- 7. In Section 3.1.1, Operations Description, please update the estimated number of acres to be disturbed for the next permit term if any changes have been made to the***

mining plan. The overburden stockpile table information on page 6 requires updating and the overburden stockpile in Section 10 needs to be added to the overburden stockpile table. (BEB/GAW)

Please see updated Section 3.1.1, Operations Description.

- 8. Please review and if necessary, update page 1 of Section 3.1.3 to reflect the anticipated production from Permit NAFK-8405 and the total mine production. (BEB/PJR/GAW)***

Please see the updated Estimated and Total Production narrative in Section 3.1.3.

- 9. If necessary, please update Section 3.1.4, List of Major Equipment, to reflect the major equipment currently being used. One update to this section might be Falkirk's new 205 electric shovel that was recently placed into service. (NDCC 38-14.1-14(1)(l)) (BEB/PJR)***

Please see the updated List of Major Equipment in Section 3.1.4.

- 10. If changes are proposed since the application for Revision No. 40, please update the Pit Layout and Facilities Map in Section 3.1.5 to identify the five-year coal removal areas as required by NDAC 69-05.2-09-02(3). (BEB/PJR/GAW)***

No changes are proposed to the five-year coal removal areas on the Pit Layout and Facilities Map in Section 3.1.5 since Revision Number 40.

- 11. Please update the Pit Layout and Facilities map in Section 3.1.5 to show the Berg Farmstead in Sections 23 and 24 as being bond released and no longer permitted. (GAW)***

Please see the updated Pit Layout and Facilities Map in Section 3.1.5 that includes the updated permit boundary that includes final bond release number 2.

- 12. If changes are proposed since the application for Revision No. 40, please update the Extended Mine Plan Topographic Map of Mine Phases in Section 3.1.6. (BEB/PJR)***

Please see the updated Extended Mine Plan Map in Section 3.1.6 that includes the updated permit boundary that includes final bond release number 2.

Section 3.5 – Operations – Transportation Facilities

- 13. Please update the Transportation Facilities Map in Section 3.5.2 commensurate with approved changes to Falkirk's coal haulage route associated with grade approval request E11A, and any other proposed changes to the map as deemed necessary. (BEB)***

Section 3.5.2 Transportation Facilities Map, Section 3.6.1a Total Water Management Plan Map, and Section 3.1.5 Pit Layout and Facilities Map have been updated with the update E-2 ramp alignment.

Section 4.2 Reclamation-General

- 14. Please update the Reclamation Schedule Table in Section 4.2.2 and the Grading Sequence Map in Section 4.2.3 if updates are made to the mining plan since the application for Revision No. 40. (BEB/PJR)***

Please see updated Section 4.2.2, Reclamation Schedule.

- 15. The Grading Sequence Map, Section 4.2.4, shows Variance Area S occupying portions of the NW1/4 of Section 10, but the large overburden stockpile associated with Variance Area S is not located on private land in the NW1/4 of Section 10. Please review and revise as deemed appropriate. (GAW)***

Please see updated Section 4.2.3, Grading Sequence Map.

Additional Updates:


1. Section 3.6.1d, Pond Reclamation and Construction Schedule has been updated.
2. Section 3.6.24, Groundwater Management Plan subsection 3.6.24f Details of Pitwater Pond PW-E03-01 narrative has been updated.
3. Section 3.6.57, Design of Sump S-E13-07 narrative has been updated.
4. Section 3.6.67, Details of Wetland Basin B-E03-02 narrative has been updated.
5. Section 3.6.68, Design of Sedimentation Pond P-E16-03 narrative has been updated.
6. Section 3.6.69, Details of Wetland Basin B-E02-02 narrative has been updated.
7. Section 3.6.70, Design of Sedimentation Pond P-E16-01R narrative has been updated.

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8. Section 3.6.71, Design of Sedimentation Pond P-E15-04 narrative has been updated.
9. Section 3.6.72, Details of Wetland Basin B-E02-03 has been added to the permit.

Sincerely,

THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv