

October 2, 2020

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

RE: Revision 33, Renewal #5 Pre-Renewal Review Responses To Permit NAFK-9503

Dear Mr. Moos:

Falkirk submits the following responses to the pre-renewal review items noted in your August 12, 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. 30. (PJR/BEB)***

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 with Revision No. 31. (BEB)***

Please see the updated other Licenses and Permits in Section 1.3.5.

Section 1.5 Identification of Interests and Rights of Entry

- 3. Please update the permit surface and coal ownership interests listed in Section 1.5.1 and the adjacent surface and coal ownership interests listed in Section 1.5.2. Any changes to either of these sections should also be reflected on the Surface and Coal Ownership Map in Section 1.5.3. (BEB/PJR)***

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Renewal application filed to extend the permit term another five years, until April 17, 2026
Falkirk Mining Company
Jason Frye

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 2.1 – Cultural and Historic Resources

- 4. If there are any required updates to cultural resource studies, narratives, specific site location information or the map in Sections 2.1.1 – 2.1.4, please provide those updates at this time. (BEB)***

Please see the updated permit boundary that includes the permit deletion from Revision 32 in the Cultural Resource Location Map in Section 2.1.2.

Section 2.2 – Description of Ground Water Hydrology

- 5. Please update several maps in this section to depict progression of mining within the permit area. Having this information on the maps is important when reviewing draw-down and potentiometric surface data provided by the wells in your ground water monitoring plan. The last time pit progression was updated on these maps was in 2015 and this should be updated at least every five years. Also, pit progression in the General Reference Map located in the Preface to Section 2.2 has not been updated since 2015 and may be updated if you choose. (BEB)***

Please see updated Sections 2.2.8, 2.2.9, 2.2.12, 2.2.13, 2.2.21, 2.2.22, 2.2.25a, 2.2.25b, 2.2.25c, 2.2.25d, 2.2.25e, and 2.2.25f.

- 6. If any new or additional water supply wells or developed springs have been certified, or if any previously certified wells and springs have been re-certified, please update the various sections of the permit to provide that information, including the well and spring location maps, if required. (PJR/BEB)***

There are no updates needed to these sections.

- 7. If any ground water monitoring wells have been recently installed, re-surveyed or any ground water monitoring wells have been plugged, abandoned or mined through, please make the appropriate updates to the relevant portions of Section 2.2 in the permit, including applicable maps. (PJR/BEB)***

There are no updates needed to these sections.

Section 2.4 – Fish and Wildlife Resources

8. *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 ND is no longer out of the white-nose syndrome buffer area. (PJR/GAW)*

Please see the updated Wildlife Monitoring Plan in Section 2.4.3.

Section 3.0 Operation Plans

9. *Please update if necessary, Section 3.1 - Operations Plan and the Pit Layout and Facilities Map in Section 3.1.5 to reflect any anticipated changes in the mining plan for the Riverdale mine area since the application for Revision No. 31 as required by NDAC 69-05.2-09-02(3). Also update any other maps, plans, time schedules, stockpile locations, etc. that may be affected by any changes in the mining plan. (GAW/PJR/BEB)*

Please see the updated permit boundary that includes the permit deletion from Revision 32 in the Pit Layout and Facilities Map in Section 3.1.5. Also, please see the updated Mining Method Narrative in Section 3.1.2.

10. *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 since approval of Revision No. 30. (GAW/BEB/PJR)*

Please see updated Section 3.1.1, Operations Description.

11. *Please review the annual coal production values listed in Section 3.1.3, Estimated Total Production, and update as necessary to ensure the values listed accurately reflect for the next term of the permit. (PJR/GAW)*

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

12. *If necessary, please update Section 3.1.4, List of Major Equipment, to reflect the major equipment currently being used as required by NDCC 38-14.1-14(1) (l). (BEB/PJR)*

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

13. *If there have been notable changes to the Extended Mine Plan since the application for Revision No. 31, please update the Extended Mining Plan Topographic Map of Mine Phases, Section 3.1.6. (PJR/BEB)*

Please see the updated permit boundary that includes the permit deletion from Revision 32 in the Extended Mine Plan Map in Section 3.1.6.

- 14. If necessary, please update the list of parties in Section 3.3.1 who receive the blasting notice and the list of landowners located within one mile of the permit boundary who will be notified of their right to a pre-blast survey, and a copy of the blasting schedule. (BEB)***

Please see updated Section 3.3.1, Blasting Plan.

Section 4.1 – Post-Mining Land Use and Revegetation

- 15. A sentence in the last paragraph of Section 4.1.1, Post-Mining Land Use Narratives, states that the NDSU study plot is located in the SE1/4 of Section 34, T145N, R83W, but it is depicted in the SE1/4 of Section 35, T145N, R83W on the Post Mining Land Use Map, Section 4.1.2. Please review and revise as necessary. (GAW)***

Please see the updated Post-Mining Land Use Narrative in Section 4.1.1.

Section 4.2 Reclamation–General

- 16. If notable changes have been made to the mining plan since the application for Revision No. 31, please update the Reclamation Schedule in Section 4.2.2 and the Grading Sequence Map in Section 4.2.3. (PJR/BEB)***

There has been no significant changes since Revision 31.

Section 4.2.4 – Reclamation Cost

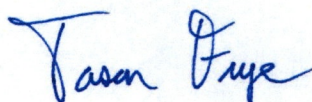
- 17. Please review the worst-case reclamation cost estimate listed in the May 8, 2020 Consolidated Bond to ensure the amount is adequate for mining and reclamation planned during the next term of the permit. (PJR/GAW)***

The PSC is currently reviewing the worst-case reclamation cost with Revision 31 to Permit 9503. The worst case cost was calculated for the end of the year in 2021. As part of Revision 31, Falkirk will make any technical changes that the PSC deems necessary. With the lack of information available with future operations at Coal Creek Station, the worst case reclamation cost will be reevaluated in a future permit revision to ensure the reclamation cost is adequate for mining and reclamation planned during the next term of the permit.

Mr. Dean K. Moos
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Sincerely,

THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv
Enc.