

North American
COAL

FALKIRK MINE

May 12, 2023

Ms. Zanna Brinkman
Reclamation Director
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505

RE: Revision 35, to Permit NAFK-9503

Dear Ms. Brinkman:

Please see the uploaded file comprising Revision 35, to Falkirk's Mining Permit NAFK-9503, the application form for the revision, the Transportation Facilities Plan Certification Letter, and the Surface Water Management Certification Letter.

Revision 35 to NAFK-9503 revised the post-mining topography for a large portion of the unmined areas within the permit. The revised post-mining topography will bring the permit area into a mass balance and take into account the most current mine plans reflective of mining conditions and needs at this time. As a result of this permit revision, Falkirk updated the introductory, legal, financial, compliance and surface and coal ownership information, surface water hydrology, surface water management, operations plans, blasting map, transportation facilities, reclamation plans and schedules, post-mining land use and revegetation and wetlands sections. This permit revision also requests 159.6 acres be removed from the SW ¼ of Section 32, T145N, R83W. Falkirk is not requesting to reduce the current bond amount.

If you have any questions, please call me at 250-2603.

Sincerely,

THE FALKIRK MINING COMPANY




Jason Frye
Environmental Specialist

JF/tv
Enc.

- 1 RC-23-217 Filed 05/12/2023 Pages: 7
Revision application filed to delete 159.6 acres not affected by mining
Falkirk Mining Company
Jason Frye

Falkirk Mine
2801 1st Street SW
Underwood, ND 58576
P: 701.442.5751 F: 701.250.2473
NACoal.com

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

Revision 35
2023
 A NACCO COMPANY



APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS

**PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 10562 (1-2004)**

Date	May 12, 2023
Revision Number	35
State	ND
Zip Code	58576

Name of Company, Corporation, Partnership, or Individual The Falkirk Mining Company	Permit Number NAFK-9503
Address 2801 1st Street SW	City Underwood

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised).

Rev. 35 revised the post-mining topography for some unmined areas. The revised post-mining topography will bring the permit area into a mass balance with the most current mine plan. Updated the introductory, legal, financial, compliance & surface & coal ownership information, surface water hydrology, surface water management, operations plans, blasting map, transportation facilities, reclamation plans & schedules, post-mining land use & revegetation & wetlands. Requesting 159.6 acres be removed from the SW ¼ of Section 32, T145N, R83W. Not requesting to reduce the current bond amount.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):


NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
The Falkirk Mine	-0-				
ADDRESS					
2801 1st Street SW					
Underwood, ND 58576					
TOTAL ACRES	-0-				

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ -0-, is included with the revision application.

Name of Official Authorized to Represent the Applicant
Jason Frye, Environmental Specialist

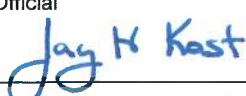
- I, the above named, certify that:
1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
 2. Information and documentation contained in the permit application affirmatively demonstrate that:
 - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
 - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
 - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
 - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
 - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
 4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

Signature of Official 	Title Environmental Specialist
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VERIFICATION

I, Jay H. Kost, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

Signature of Official 	Title President
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STATE OF North Dakota)
)ss.
 COUNTY OF McLean)

Subscribed and Sworn before me, this 12th day of May, 2023.

(SEAL)




 Notary Public

My Commission Expires: _____

FALKIRK MINE

May 12, 2023

To the Reviewing Agency:

I have reviewed and hereby certify the information and design drawings for primary roads that are contained within the transportation operations plan for the Falkirk Mine, which were prepared by myself, or under my direction, for the purpose of filing Revision 35 to the Riverdale Permit (NAFK-9503). I further certify that the primary road plans meet the requirements of Article 69-05.2 of the North Dakota Administrative Code and were developed using current and prudent engineering practices and procedures and the applicable design requirements established by the North Dakota Public Service Commission.

Sincerely,

THE FALKIRK MINING COMPANY



Adam Ourada, P.E.

Civil Engineer

ND Registration No. PE-27184



FALKIRK MINE

May 12, 2023

To the Reviewing Agency:

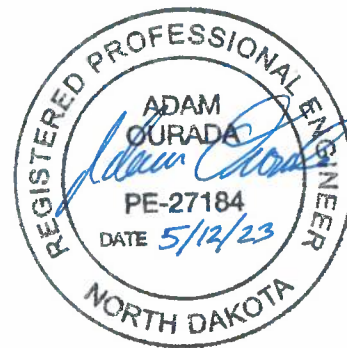
I have reviewed and hereby certify the information and design drawings contained within the surface water management operations plan for the Falkirk Mine, which was prepared by myself, or under my direction, for the purpose of filing Revision 35 to the Riverdale Permit (NAFK-9503). I further certify that the surface water management operations plans meet the requirements of Article 69-05.2 of the North Dakota Administrative Code and were developed using current and prudent engineering practices and procedures and the applicable design requirements established by the North Dakota Public Service Commission.

Sincerely,

THE FALKIRK MINING COMPANY



Adam Ourada, P.E.
Civil Engineer
ND Registration No. PE-27184





APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS

PUBLIC SERVICE COMMISSION

RECLAMATION DIVISION

SFN 10562 (1-2004)

Date
May 12, 2023

Name of Company, Corporation, Partnership, or Individual The Falkirk Mining Company	Permit Number NAFK-9503	Revision Number 35	
Address 2801 1st Street SW	City Underwood	State ND	Zip Code 58576

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised).

Rev. 35 revised the post-mining topography for some unmined areas. The revised post-mining topography will bring the permit area into a mass balance with the most current mine plan. Updated the introductory, legal, financial, compliance & surface & coal ownership information, surface water hydrology, surface water management, operations plans, blasting map, transportation facilities, reclamation plans & schedules, post-mining land use & revegetation & wetlands. Requesting 159.6 acres be removed from the SW ¼ of Section 32, T145N, R83W. Not requesting to reduce the current bond amount.

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ADDRESS					
2801 1st Street SW					
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TOTAL ACRES	-0-				

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ -0-, is included with the revision application.

Name of Official Authorized to Represent the Applicant
Jason Frye, Environmental Specialist


- I, the above named, certify that:
1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
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Signature of Official 	Title Environmental Specialist
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I, Jay H. Kost, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

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