

FALKIRK MINE

August 18, 2023

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

RE: Revision 35, Completeness Review Responses to Permit NAFK-9503

Dear Ms. Brinkman:

Falkirk submits the following responses to the completeness review items noted in your August 10, 2023 letter to existing Permit NAFK-9503.

Section 1.0 – Introductory, Legal, Financial, Compliance, and Related Information

- 1. Item No. 37 of Section 1.1.3 (Revision Lists of Changes) for Revision 35 states that pages 1-3 of Section 3.5.20 (Road Relocation and Closing Plan Narrative) were updated. However, it appears that redlined changes were only completed on page 3 of Section 3.5.20. Please address this discrepancy by updating Section 1.1.3 or provide redlines to pages 1 and 2 of Section 3.5.20 if changes were made. (MLJ)***

Please see updated Item No. 37 in Section 1.1.3, Revision List of Changes.

- 2. Please revise the public notice (Section 1.2.4) to clearly state that the revision proposes changes to the approved timing and sequence of mining. This could be accomplished by revising the first sentence of the first paragraph to state that “The Falkirk Mining Company, P.O. Box 1087, Underwood, ND 58576, has filed an application (Revision No. 35) to Permit NAFK-9503 to change the timing and sequence of mining and to revise the post-mining topography for a large portion of the unmined areas within the permit.” Please also revise the second to last sentence of the first paragraph to clearly state that the SW¼ of Section 32 is being removed from the permit. This could be accomplished by revising the sentence to “This permit revision also removes 159.6 acres of undisturbed land from the permit located in its entirety in the SW¼ of Section 32, T145N, R83W.” (GAW, BSM)***

Please see the updated Newspaper Publication Notice in Section 1.2.4.

- 3. Section 1.5.3 (Surface and Coal Ownership Map) for Tract 145 identifies Joseph F. Heesacker under Coal Ownership, after Nancy Bridges, as a co-trustee or the successor trustee of the Nancy J. Bridges Trust dated 11-15-11. However, the Newspaper Publication Notice (Section 1.2.4) for Tract 145 identifies Jennifer Anne Barber, after Nancy Bridges, under Coal***

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Ownership. Please review the Newspaper Publication Notice for Tract 145 and revise accordingly. (JAR)

Please see the updated Newspaper Publication Notice in Section 1.2.4.

- 4. Section 1.2.4 (Newspaper Publication Notice) for Tract 181 identifies Audrey M. Crum and Clark Crum under Coal Ownership, but the Surface and Coal Ownership Map (Section 1.5.3) does not include Clark Crum under Coal Ownership. Please review the Newspaper Publication Notice for Tract 181 and revise accordingly. (JAR)**

Please see the updated Newspaper Publication Notice in Section 1.2.4.

Section 4.1 – Post-Mining Land Use and Revegetation

- 5. The first sentence of the second paragraph on page 10 of Section 4.1.1 (Post-Mining Land Use Narrative) states that Revision 35 was submitted in April 2023. Please revise this to state that Revision 35 was submitted in May 2023. (MLJ)**

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

Section 5.2 – Post-Mining Wetlands

- 6. The first sentence of the last paragraph on page 2 of Section 5.2.1 (Post-Mining Wetlands Design Narrative) states that Revision 35 was submitted in April 2023. Please revise this to state that Revision 35 was submitted in May 2023. (MLJ)**

Please see the updated Post-Mining Wetlands Design Narrative in Section 5.2.1.

Sincerely,
THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv

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

**Revision 35
Completeness Review Responses
2023**

 A NACCO COMPANY