



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

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

Date
December 5, 2023

Name of Company, Corporation, Partnership, or Individual The Falkirk Mining Company	Permit Number NAFK-8705	Revision Number 41	
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.)

Revision 41 and Renewal #7 addresses the pre-renewal review items for NAFK-8705 noted in the NDPSC's letter dated October 24, 2023. Updated information includes legal, business and compliance information, identification of interest and rights to entry, operation plans, surface water management, reclamation plans and wetland design details.

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
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:

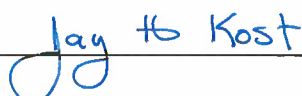
1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
2. Information and documentation contained in the permit application 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

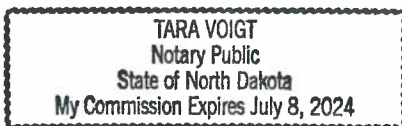
I, Jay H. Kost, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

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

Subscribed and Sworn before me, this 5th day of December, 2023.

(SEAL)




 Notary Public

My Commission Expires: _____

FALKIRK MINE

December 5, 2023

Mr. Jonathan Emmer
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-8705

Dear Mr. Emmer:

Falkirk submits the following responses to the pre-renewal review items noted in your October 24, 2023 letter to existing Permit NAFK-8705.

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

1. ***Please update Section 1.2.5 (Certification of Liability Insurance) by including the current liability insurance and endorsement. The current Certificate of Liability Insurance expired on 2/1/2023. (BSM, MLJ, JAR)***

Please see updated Section 1.2.5, Certification of Liability Insurance.

2. ***Please provide an updated “Consolidated Legal Information Report” covering Section 1.3.1 (Names of Officers, Directors and Share Holders, and Organizational Structure), Section 1.3.2 (Names of Other Mines), Section 1.3.3 (Current Permits and Permit Applications), and Section 1.1.6 (Schedule of Violations) referenced in Permit NAFK-8705 if any changes have occurred to the ownership and control information, the list of current or previous coal mining permits held during the past five years, or the schedule of violation notices in the past three years. (BSM, JAR)***

The most recent update of the Consolidated Legal Information Report dated September 19, 2023 is on file at the Public Service Commission Office.

3. ***If necessary, please update Section 1.3.5 (Other Licenses and Permits) per NDAC 69-05.2-06-04. (MLJ, BSM, JAR)***

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

4. ***If necessary, please update the surface and coal ownership interests listed in Sections 1.5.1 (Permit Area Surface and Coal Interests) and 1.5.2 (Adjacent Surface and Coal Ownership and Leasehold Information). Any changes to either of these sections following the most recent update with Revision No. 40 to the permit should be reflected in Section 1.5.3 (Surface and Coal***

Ownership Map). NDAC 69-05.2-06-01(1)(a) and NDCC 38-14.1-14(1)(c) and (d). (MLJ, BSM, JAR)

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

Section 3.0 – Operations Plans

- 5. Please make updates within Section 3.1 (Operations Plan – General), including Section 3.1.3 (Estimated and Total Production) and Section 3.1.5 (Pit Layout and Facilities Map), to reflect current mining operations and for the next 5-year permit term, anticipated acres of land that will be disturbed, and other relevant narratives in this section pertaining to operations in Permit NAFK-8705. Also, update any other maps, plans, time schedules, etc. that may be affected by these changes in the mining plan. (MLJ, BSM, PJR)**

Please see the updated Estimated and Total Production in Section 3.1.3 and the updated Pit Layout and Facilities Map in Section 3.1.5. No updates were necessary for the operations narrative in Section 3.1.1.

- 6. Section 3.1.5 (Pit Layout and Facilities Map) depicts SPGM storage areas on undisturbed and reclaimed areas in the SW¼ of Section 34, T145N, R82W. Please review and provide an explanation as to why undisturbed and reclaimed lands in this area may need to be disturbed and used for SPGM storage. NDAC 69-05.2-13-05 requires Falkirk to minimize disturbance to where coal is not removed. (GAW)**

The SPGM storage areas in Section 34 is not needed and have been removed from Section 3.1.5, Pit Layout and Facilities Map.

- 7. If any changes have occurred, please update Section 3.1.4 (List of Major Equipment), as required by NDCC 38-14.1-14(1)(I). (MLJ, BSM, JAR, PJR)**

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

- 8. If any changes have occurred, please update Section 3.1.6 (Extended Mining Plan Map), to depict and label any changes in planned mining updates. (BSM, JAR, PJR)**

Please see the updated Extended Mining Plan Map in Section 3.1.6.

- 9. If any changes have occurred, please update Section 3.2.1 (Existing Structures Narrative) and Section 3.2.2 (Existing Structures Map). (BSM)**

No updates were required in Sections 3.2.1 or 3.2.2.

Section 3.6 – Operations - Surface Water Management

- 10. Please review Table 1, Pond Construction and Reclamation Schedule, on Page 2 within Section 3.6.1 (Surface Water Management Plan) and provide any reclamation date updates if there are changes from what is provided in the table. (JAR)**

Table 1 in Section 3.6.1 Surface Water Management Plan has been updated. Previously reclaimed ponds have been removed from the list. And the Pond Designation for P-W28-01 was modified to prevent confusion as this pond is designated as DWR-W28-01 in Section 3.6.3a Total Water Management Plan Map.

- 11. Please update Section 3.6.3a (Total Water Management Plan Map) to include any changes since Revision No. 40 such as SPGM piles, depleted SPGM piles, constructed or reclaimed surface water management structures, haul roads, and any other updates that have occurred. (BSM, JWE)**

No updates were made to Section 3.6.3a Total Water Management Plan Map as no changes have been made since Revision 40.

Section 4.0 – Reclamation Plans

- 12. Please revise Section 4.1.2 (Post-Mining Land Use Map) to depict the reclaimed seasonal wetlands R-03-01, R-31-01, and R-31-04 with light blue coloring to remain consistent with other wetland features on the map. Furthermore, please update reclaimed seasonal wetland R-31-02 so that the light blue coloring matches the wetland contours. (JAR, BSM)**

Please see the updated Post-Mining Land Use Map in Section 4.1.2. The colors for the reclaimed wetlands were made consistent. Also, field fitted grass waterways were updated on the map in Section 35.

Section 5.0 – Wetlands

- 13. Wetland design details are provided for wetland R-03-01 as Figure 24 in Section 5.2.2a (Wetland Design Details), but this wetland is not listed on page 1 of this Section. Please list Wetland R-03-01 on page 1. (JAR)**

Mr. Jonathan Emmer
December 5, 2023
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The list of post-mining wetlands on Page 1 of Section 5.2.2a Wetland Design Details has been reordered by figure number so it aligns with the order of the wetlands detailed in the following pages of the section. Wetland R-03-01 was added to the list.

Additional Updates:

14. Please see the newspaper publication for Revision 41, Renewal #7 in Section 1.2.4.
15. Please see the Newspaper Publication Reference Map for Revision 41, Renewal #7 in Section 1.2.4t.

Sincerely,
THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv