

FALKIRK MINE

February 2, 2024

Mr. Jonathan Emmer
Reclamation Director
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505

RE: Revision 41, Renewal #7 Completeness Review Responses to Permit NAFK-8705

Dear Mr. Emmer:

Falkirk submits the following responses to the completeness review items noted in your January 17, 2024 letter to existing Permit NAFK-8705.

General

- 1. Please review and revise all relevant maps throughout the permit to account for the approval of Final Bond Release No. 6 (FBR#6). The maps to be updated can be limited to the maps being revised for Revision No. 41 and Renewal No. 7 as noted in the list of changes in Section 1.1.3 (Revision Instruction Lists). (PJR/MLJ/JAR/BSM)***

Please see the updated maps that are relevant for completeness for Revision 41. The maps updated are in Sections 1.2.2, 1.2.4t, 1.5.3, 3.1.5, 3.1.6 and 4.1.2.

Section 1.1.1 – Application Forms

- 2. Please update the Renewal 7 application form by removing Section 36 to account for the approval of FBR#6. (PJR)***

Please see revised Renewal 7 application form, page 108, in Section 1.1.1, Application Forms. Section 36 has been removed and the total acres has been updated from 10,485.6 to 9,843.4.

Section 1.1.3 – Revision Instruction Lists

- 3. Please provide some level of context describing the changes regarding the maps in Item No. 14 and 17 on page 318 in Section 1.1.3 (Revision Instruction Lists). For example, generally describe the changes being proposed and their location. (PJR)***

Please see the updated footnote on the list of changes in the Revision Instruction List in Section 1.1.3. More information on changes to maps are provide in Falkirk's responses to the PSC letter.

Section 1.2 – Legal Information

- 4. Please update the metes and bounds description and map in Section 1.2.1 (Legal Description of Permit Area) and Section 1.2.2 (Metes and Bounds Description Map) to account for the approval of FBR#6. (JAR/PJR/BSM)**

Please see updated Section 1.2.1, Legal Description of Permit Area and Section 1.2.2, Metes and Bounds Description Map after FBR#6 approval.

- 5. Follow-up to Item No. 1 of the October 24, 2023 pre-renewal review letter: If available, please consider updating Section 1.2.5 (Certification of Liability Insurance). The current Certificate of Liability Insurance expires on 2/1/2024. (JAR)**

Please see updated Section 1.2.5, Certification of Liability Insurance. The current Certificate of Liability Insurance was added, pages 52 – 59.

Section 1.2.4 – Newspaper Publication Notice

- 6. Please revise the narrative of Section 1.2.4 (Newspaper Publication Notice) by updating the permitted acreage and removing the reference to Section 36, T146N, R83W to account for the approval of FBR#6. (JAR/PJR/BSM)**

Please see the updated Newspaper Publication Notice in Section 1.2.4.

- 7. Please update the surface and coal ownership list found in Section 1.2.4 (Newspaper Publication Notice) by removing the tracts that are no longer in the permit area due to the approval of FBR#6 (MLJ).**

Please see the updated Newspaper Publication Notice in Section 1.2.4.

- 8. Tract 26 identifies Macy J Schafer under coal ownership in Section 1.2.4 (Newspaper Publication Notice), but Marcy J. Schafer is identified in Section 1.5.3 (Surface & Coal Ownership Map). Please review and revise accordingly. (JAR)**

Please see the updated Surface and Coal Ownership Map in Section 1.5.3.

- 9. Tract 57 identifies Patricia Borden Mossier under coal ownership in Section 1.2.4 (Newspaper Publication Notice), but Patricia Borden Mosier is identified in Section 1.5.3 (Surface & Coal Ownership Map). Please review and revise accordingly. (JAR)**

Please see the updated Newspaper Publication Notice in Section 1.2.4.

- 10. Please add a statement to the narrative of Section 1.2.4 (Newspaper Publication Notice) that states there will be no coal removal areas during the next 5-year permit term, but coal removal is planned in the future. (PJR)**

Please see the updated Newspaper Publication Notice in Section 1.2.4.

- 11. Please update the Newspaper Publication Reference Map in Section 1.2.4t (Newspaper Publication Map, Revision 41, Renewal 7) to account for the permit boundary changes associated with FBR# 6. (PJR)**

Please see the updated Newspaper Publication Map in Section 1.2.4t.

Section 1.3.5 – Other Licenses and Permits

- 12. Follow-up to Item No. 3 of the October 24, 2023 pre-renewal review letter: Please update the address for all permits in Section 1.3.5 (Other Licenses and Permits) from the North Dakota Department of Water Resources from “900 East Boulevard Avenue Bismarck, ND 58505” to its current address of “1200 Memorial Highway, Dept 770, Bismarck, ND 58504”. (BSM)**

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

Section 1.5 – Identification of Interests and Rights of Entry

- 13. Follow-up to Item No. 4 of the October 24, 2023 pre-renewal review letter: 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) to account for the approval of FBR#6. Any changes to these sections should be reflected in Section 1.5.3 (Surface and Coal Ownership Map). (MLJ)**

Please see the updated information regarding FBR#6 in Section 1.5.1, 1.5.2 and 1.5.3.

Section 3.6.1 – Surface Water Management

- 14. Follow-up to Item No. 10 of the October 24, 2023 pre-renewal review letter: For historical reference, please retain pond construction and reclamation information on Table 1 (Pond Construction and Reclamation Schedule) in Section 3.6.1 (Surface Water Management Plan). (JAR/PJR)**

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In order to remain consistent with our other mining permits, Falkirk prefers to delete reclaimed water management features from Table 1 of Section 3.6.1, Surface Water Management Plan. Reclaimed water management features are shown, and will continue to be shown, on Section 3.6.3a, Total Water Management Plan Map.

Sincerely,
THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv