

**North American
COAL**

FALKIRK MINE

October 16, 2024

RECEIVED

OCT 21 2024

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

**NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

RE: Affidavit of Publication for Revision 44 to Permit NAFK-8405

Dear Mr. Emmer:

Please find enclosed copies of the Affidavit of Publication for Revision 44 to Falkirk's Mining Permit NAFK-8405. The publication was published for four (4) consecutive weeks in the McLean County Independent and the Bismarck Tribune on August 29th, September 5th, 12th, and 19th, 2024.

If you have any questions or comments, please contact me at 250-2420.

Sincerely,

THE FALKIRK MINING COMPANY

Tara Voigt

Tara Voigt
Executive Assistant II

TV
Attachments

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

16 RC-24-261 Filed 10/16/2024 Pages: 5
Affidavit of Publication for Revision 44
Falkirk Mining Company
Tara Voigt

 **A NACCO COMPANY**

Affidavit of Publication

STATE OF NORTH DAKOTA,
COUNTY OF McLean, ss.

I, Ashley Nordstrom, employee of the McLean County Independent of said County and State, being first duly sworn, on oath says, that the McLean County Independent is a weekly newspaper published in Garrison ND County of McLean, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

PO #155147-Notice of Filing Revision

Falkirk Mining Co

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said

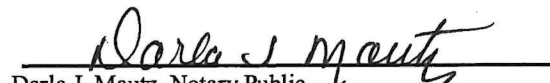
newspaper at least once each week for 4 successive week, on the day of each week on which said newspaper was regularly published to-wit:

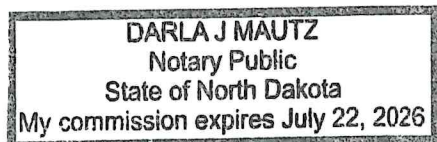
4- McLean County Independent: 8/29/2024,
9/5/2024, 9/12/2024, 9/19/2024

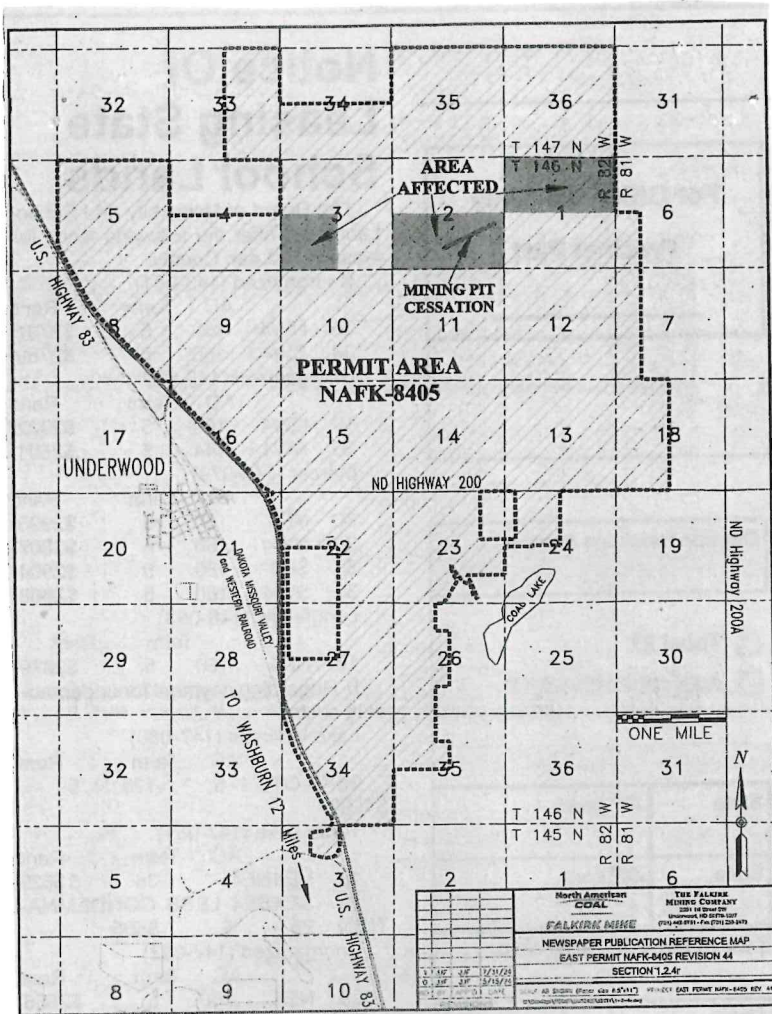
That the full amount of the fees for
the publication of the annexed notice is: \$ 837.60



Subscribed and sworn to before me this 9/18/2024


Darla J. Mautz, Notary Public
State of North Dakota





Notice of Filing a Revision to Add Area to an Existing Surface Coal Mining Permit

The Falkirk Mining Company, P.O. Box 1087, Underwood, ND 58576, has filed an application to revise surface coal mining activities for Revision 44 in Permit NAFK-8405. The permit revision changes mining plans for the N ½ of Section 1 and the SW ¼ of Section 3 and adds mining plans for a pit cessation in the S ½ of Section 2, T146N, R82W. The changes to this revision are due to the delay in leasing federal coal. Mining and reclamation operations will be delayed until the federal coal is leased and federal mine plan approval is granted for the federal coal in the NW ¼ of Section 2 and the E ½ of Section 3, T146N, R82W. Information that was updated in the permit includes all introductory, legal, financial, compliance information, environmental, operations, reclamation and wetland sections. The stand-alone Reclamation Bond/Cost section has also been updated with this revision.

The map shows the location of the City of Underwood, North Dakota, and the outline of the permit area.

The owners of the surface and coal in the area affected by the permit revision are as follows:

TRACT 79

Township 146 North, Range 82 West

Section 2: SE ¼

Surface Ownership: The Falkirk Mining Company

Coal Ownership: Charles E. Stadick; Satin Marie Garner; Rose Ann Anderson; Charlain M. Berg

TRACT 80

Township 146 North, Range 82 West

Section 2: SW ¼

Surface Ownership: The Falkirk Mining Company

Coal Ownership: Eddie James Owens, Jr.; William L. Hollingsworth; Estate of Marie Joanne Simons Murray; Eugene & Joanne Murray Trust Dated 06-01-90; Chapter of Delta Tau Delta Fraternity

TRACT 85

Township 146 North, Range 82 West

Section 3: N ½ SW ¼ less a tract of land lying in the southwest corner described as follows: Beginning in the southwest corner, thence north along the west section line of said N ½ SW ¼ a distance of 507.40 feet; thence east a distance of 889.00 feet; thence south a distance of 507.40 feet; thence west a distance of 889.00 feet to the point of beginning.

Surface Ownership: Stuart Busch and Paula Busch; Dallas Benzmilller and Vicki Benzmilller; Dennis J. Dietz; Troy Buller and Stephanie Buller; Leslie Forland and Wendy Forland; Cassie Busch; Stacey Busch; Richard Brunelle and Deann Brunelle

Coal Ownership: Stuart Busch and Paula Busch; Dallas Benzmilller and Vicki Benzmilller; Dennis J. Dietz; Troy Buller and Stephanie Buller; Leslie Forland and Wendy Forland; Cassie Busch; Stacey Busch; Richard Brunelle

and Deann Brunelle

TRACT 86

Township 146 North, Range 82 West

Section 3: Outlot A and the north 50 feet of Outlot B in the SW ¼, the south 257.50 feet of Outlot B in the SW ¼

Surface Ownership: The Falkirk Mining Company

Coal Ownership: The Falkirk Mining Company

TRACT 87

Township 146 North, Range 82 West

Section 3: S ½ SW ¼ less that portion of Out Lot "B" contained therein

Surface Ownership: The Estate of Virginia P. Busch

Coal Ownership: The Estate of Virginia P. Busch

TRACT 98

Township 146 North, Range 82 West

Section 1: Lots 1, 2, S ½ NE ¼

Surface Ownership: Elnora Stengel, Life Estate, Remaindermen: Louis W. Stengel, Jr. and Dorothy A. Stengel, Sharleen Thorson, as Trustee of the Sharleen Thorson Living Trust, Zona O'Shea and Darrel O'Shea

Coal Ownership: Elnora Stengel, Life Estate, Remaindermen: Louis W. Stengel, Jr. and Dorothy A. Stengel, Sharleen Thorson, as Trustee of the Sharleen Thorson Living Trust, Zona O'Shea and Darrel O'Shea

TRACT 99

Township 146 North, Range 82 West

Section 1: Lots 3, 4, S ½ NW ¼, less a 20.66 acre tract of land lying in Lots 3 and 4

Surface Ownership: James H. Coultts and Jacqualen Coultts

Coal Ownership: James H. Coultts and Jacqualen Coultts; AgriBank, FCB

TRACT 100

Township 146 North, Range 82 West

Section 1: A 20.66 acre tract of land lying in Lots 3 and 4

Surface Ownership: James Coultts and Jacqualen Coultts

Coal Ownership: James Coultts and Jacqualen Coultts; AgriBank, FCB

Copies of the application for this revision of a surface coal mining permit are available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Ave., Bismarck, ND 58505-0480 and at the office of the County Auditor, McLean County Courthouse, Washburn, ND 58577.

Written comments, objections, or requests for informal conferences on the application may be submitted by any person with an interest which is or may be adversely affected to the North Dakota Public Service Commission, 600 East Boulevard Ave., Bismarck, ND 58505-0480 within 30 days after the last publication of this notice. The written request should state the concerns or objections regarding the revision.

(Aug. 29, Sept. 5, 12 & 19, 2024)

*** Proof of Publication ***

State of Indiana)
) SS:
County of Lake)

I, Robin Nelson, being
duly sworn says that I am the Legal Clerk of Bismarck Tribune Co., a
division of Lee Publications, Inc. A newspaper published in the
County of Burleigh and State of North Dakota. Who declares that the
attached Notice was published in said newspaper on the following
dates:

8/29, 9/5, 9/12, 9/19/24

THE FALKIRK MINING COMPANY

2801 1ST ST SW PO BOX 1087
UNDERWOOD, ND 58576

ORDER NUMBER 73420

[Handwritten Signature]
SIGNATURE

Sworn and subscribed to before me this 19 day of
SEPTEMBER 20 24

Sallie Gucwa
Notary Public in and for the State of Indiana



Section: Legals

Category: 5380 Public Notices

PUBLISHED ON: 08/29/2024, 09/05/2024, 09/12/2024, 09/19/2024

TOTAL AD COST: 1976.59

FILED ON: 9/19/2024

NOTICE OF FILING A REVISION TO ADD AREA TO AN EXISTING SURFACE COAL MINING PERMIT

The Falkirk Mining Company, P.O. Box 1087, Underwood, ND 58576, has filed an application to revise surface coal mining activities for Revision 44 in Permit NAFK-8405. The permit revision changes mining plans for the N 1/2 of Section 1 and the SW 1/4 of Section 3 and adds mining plans for a pit cessation in the S 1/2 of Section 2, T146N, R82W. The changes to this revision are due to the delay in leasing federal coal. Mining and reclamation operations will be delayed until the federal coal is leased and federal mine plan approval is granted for the federal coal in the NW 1/4 of Section 2 and the E 1/2 of Section 3, T146N, R82W. Information that was updated in the permit includes all introductory, legal, financial, compliance information, environmental, operations, reclamation and wetland sections. The stand-alone Reclamation Bond/Cost section has also been updated with this revision.

The map shows the location of the City of Underwood, North Dakota, and the outline of the permit area.

The owners of the surface and coal in the area affected by the permit revision are as follows:

TRACT 79

Township 146 North, Range 82 West

Section 2: SE 1/4

Surface Ownership: The Falkirk Mining Company
 Coal Ownership: Charles E. Stadick; Satin Marie Garner; Rose Ann Anderson; Charlain M. Berg

TRACT 80

Township 146 North, Range 82 West

Section 2: SW 1/4

Surface Ownership: The Falkirk Mining Company
 Coal Ownership: Eddie James Owens, Jr.; William L. Hollingsworth; Estate of Marie Joanne Simons Murray; Eugene & Joanne Murray Trust Dated 06-01-90; Chapter of Delta Tau Delta Fraternity

TRACT 85

Township 146 North, Range 82 West

Section 3: N 1/2 SW 1/4 less a tract of land lying in the southwest corner described as follows: Beginning in the southwest corner, thence north along the west section line of said N 1/2 SW 1/4 a distance of 507.40 feet; thence east a distance of 889.00 feet; thence south a distance of 507.40 feet; thence west a distance of 889.00 feet to the point of beginning.

Surface Ownership: Stuart Busch and Paula Busch; Dallas Benzmilller and Vicki Benzmilller; Dennis J. Dietz; Troy Buller and Stephanie Buller; Leslie Forland and Wendy Forland; Cassie Busch; Stacey Busch; Richard Brunelle and Deann Brunelle
 Coal Ownership: Stuart Busch and Paula Busch; Dallas Benzmilller and Vicki Benzmilller; Dennis J. Dietz; Troy Buller and Stephanie Buller; Leslie Forland and Wendy Forland; Cassie Busch; Stacey Busch; Richard Brunelle and Deann Brunelle

TRACT 86

Township 146 North, Range 82 West

Section 3: Outlot A and the north 50 feet of Outlot B in the SW 1/4, the south 257.50 feet of Outlot B in the SW 1/4

Surface Ownership: The Falkirk Mining Company
 Coal Ownership: The Falkirk Mining Company

TRACT 87

Township 146 North, Range 82 West

Section 3: S 1/2 SW 1/4 less that portion of Out Lot "B" contained therein

Surface Ownership: The Estate of Virginia P. Busch
 Coal Ownership: The Estate of Virginia P. Busch

TRACT 98

Township 146 North, Range 82 West

Section 1: Lots 1, 2, S 1/2 NE 1/4

Surface Ownership: Elnora Stengel, Life Estate, Remaindermen: Louis W. Stengel, Jr. and Dorothy A. Stengel,

Sharleen Thorson, as Trustee of the Sharleen Thorson Living Trust, Zona O'Shea and Darrel O'Shea

Coal Ownership: Elnora Stengel, Life Estate, Remaindermen: Louis W. Stengel, Jr. and Dorothy A. Stengel, Sharleen Thorson, as Trustee of the Sharleen Thorson Living Trust, Zona O'Shea and Darrel O'Shea

TRACT 99

Township 146 North, Range 82 West

Section 1: Lots 3, 4, S 1/2 NW 1/4, less a 20.66 acre tract of land lying in Lots 3 and 4

Surface Ownership: James H. Coutts and Jacqualen Coutts
 Coal Ownership: James H. Coutts and Jacqualen Coutts; AgriBank, FCB

TRACT 100

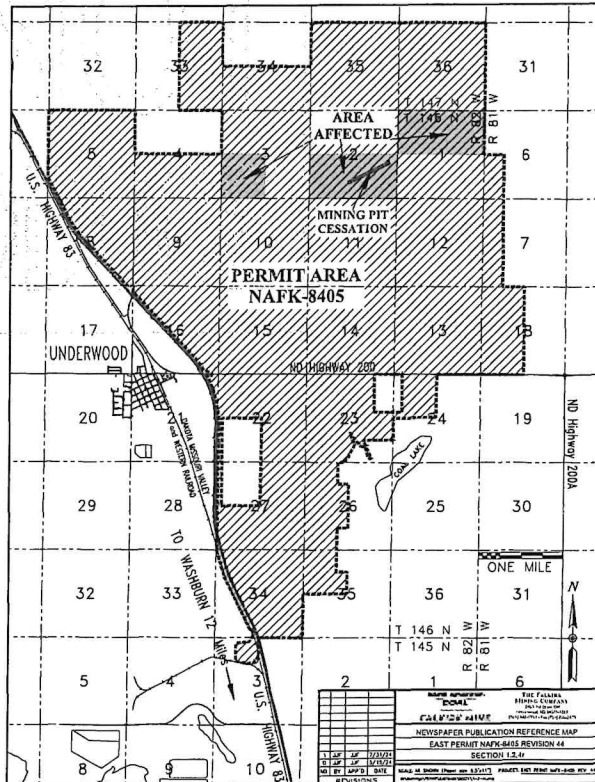
Township 146 North, Range 82 West

Section 1: A 20.66 acre tract of land lying in Lots 3 and 4

Surface Ownership: James Coutts and Jacqualen Coutts
 Coal Ownership: James Coutts and Jacqualen Coutts; AgriBank, FCB

Copies of the application for this revision of a surface coal mining permit are available for public inspection at the offices of the North Dakota Public Service Commission, 600 East Boulevard Ave., Bismarck, ND 58505-0480 and at the office of the County Auditor, McLean County Courthouse, Washburn, ND 58577.

Written comments, objections, or requests for informal conferences on the application may be submitted by any person with an interest which is or may be adversely affected to the North Dakota Public Service Commission, 600 East Boulevard Ave., Bismarck, ND 58505-0480 within 30 days after the last publication of this notice. The written request should state the concerns or objections regarding the revision.



8/29, 9/5, 9/12 & 9/19 - 73420