



Public Service Commission

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Mr. Jason Frye
Environmental Specialist
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Dear Mr. Frye:

The Reclamation Division has conducted a technical review of the application for Revision 37 to Surface Coal Mining Permit NAFK-9503 submitted on January 8, 2025 by the Falkirk Mining Company. Revision 37 updates the permit's introductory information, legal information, operation plan, and surface water management information, and adds detailed plans for sediment ponds P-R03-01, P-R03-02, and P-R03-03. The revision also removes 17.6 acres of undisturbed land from the permit from the SW $\frac{1}{4}$ of Section 7, T145N, R83W; 212.2 acres from the N $\frac{1}{2}$ of Section 13, T145N, R83W; and 270.0 acres from the NW $\frac{1}{4}$, NE $\frac{1}{4}$, and SW $\frac{1}{4}$ of Section 18, T145N, R82W. The following items must be satisfactorily addressed before this revision application can be approved:

Section 1.1 – Introductory Information

1. Please add a sentence to Page 38 of Section 1.1.2 (Revision Summary Pages) specifying the removal areas in Revision 37 are undisturbed by surface mining and reclamation activities. Following the first sentence on Page 38, please consider including the following sentence or a similar alternative: All areas removed in Revision 37 consist of acres undisturbed by surface coal mining and reclamation activities. (BSM)

Section 1.2 – Legal Information

2. The final bearing (N 00°18'12" E) and distance (1,456.39 feet) in the Exclusion Metes and Bounds subsection at the bottom of Page 6 of Section 1.2.1 (Legal Description of Permit Area) does not appear to result in a closed boundary. Please review and revise the final bearing (N 00°18'12" E) within the exclusion metes and bounds on Page 6 of Section 1.2.1 to ensure the exclusion boundary properly closes. Furthermore, any updates to the final bearing should be reflected on Section 1.2.2 (Metes and Bounds Description Map) and Page 1 of Section 1.2.2i (Fifth Deletion to Riverdale Permit Metes and Bounds). (BSM)
3. The metes and bounds description for Tract #3 in Section 1.2.2i (Fifth Deletion to Riverdale Permit Metes and Bounds) lists a bearing of N 07°01'51" E, while the corresponding map depicts a bearing of N 07°01'51" W. In order to maintain accuracy, please update the bearing within the metes and bounds description for Tract #3 of Section 1.2.2i from N 07°01'51" E to N 07°01'51" W. (BSM)

4. The metes and bounds description for Tract #5 of Section 1.2.2i (Fifth Deletion to Riverdale Permit Metes and Bounds) does not follow the same format as Tracts #1 through #4, which includes the township and range within the further described portion. To maintain consistency, please consider updating the metes and bounds further described portion for Tract #5 in Section 1.2.2i to include the township 'T145N' and range 'R83W.' (BSM)

Section 3.1 - Operations Plan – General

5. The label for sediment pond P-R03-01 is obscured by the 2027 (205) pit label on Section 3.1.5 (Pit Layout and Facilities Map). Please adjust Section 3.1.5 accordingly so the label for pond P-R03-01 is legible. (GAW)
6. Please add a label for sediment pond P-RW29-01 located in the NE¼ of Section 29 to Section 3.1.5 (Pit Layout and Facilities Map). (MLJ)

Section 3.6 – Operations – Surface Water Management

7. The top of embankment width in cross-section B-B' in Section 3.6.50a (Details of Sedimentation Pond P-R03-01), Section 3.6.51a (Details of Sedimentation Pond P-R03-02), and Section 3.6.52a (Details of Sedimentation Pond P-R03-03) are labeled as 15 feet, while the horizontal scale and plan view indicate them to be about 20 feet. Please review and revise Section 3.6.50a, Section 3.6.51a, and Section 3.6.52a to ensure the horizontal scale and label in cross-section B-B' are accurate and consistent. (BSM)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

cc via email only: Steve Burke (steve.burke@nacoal.com)