



## FALKIRK MINE

February 27, 2025

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

**RE: Revision 37, Technical Review Responses to Permit NAFK-9503**

Dear Mr. Emmer:

Falkirk submits the following responses to the technical review items noted in your February 24, 2025 letter to existing Permit NAFK-9503.

### **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)***

Please see the updated Revision Summary Pages in Section 1.1.2.

### **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)***

When typing in the bearings and distances from the description it results in a closure error of 0.01 feet. If I were to change the final bearing, then it wouldn't match the actual section line bearing that is called out in the description. Standard practice of surveying would be to hold the call to the section line in the legal description and is within the error of closure and accuracy of current surveying practices. With that being said, I would recommend leaving it as is to keep the labeling precision for legal descriptions consistent with what has been shown in the permit.

- 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)***

Please see updated bearing description. Also, the southwestern boundary was adjusted slightly for Tract #3 and is updated in Section 1.2.1 and Section 1.2.2 as well.

- 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)***

Please see updated township and range language.

### **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)***

Please see the updated Pit Layout and Facilities map in Section 3.1.5.

- 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)***

Please see the updated Pit Layout and Facilities map in Section 3.1.5.

### **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)***

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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) have been updated to show that the embankments have been designed as 20 feet wide.

Additional Updates:

1. Please see the updated Tract #3 boundary in the Fifth Deletion to Riverdale Permit Metes and Bounds map in Section 1.2.1i, the Pit Layout and Facilities Map in Section 3.1.5, and Legal Description of Permit Area in Section 1.2.1. A small portion of the boundary in the SE1/4 of the SW1/4 of the SW1/4 of Section 18 was offset 100' from the disturbance boundary. This is a decrease in 0.5 acres from the previous boundary.

Sincerely,  
THE FALKIRK MINING COMPANY



Jason Frye  
Environmental Specialist

JF/tv