

**North American**  
**COAL**

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**FALKIRK MINE**

February 19, 2025

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

**RE: Revision 38, to Permit NAFK-9503**

Dear Mr. Jonathan:

Please see the uploaded file comprising Revision 38, to Falkirk's Mining Permit NAFK-9503 and the application form for the revision.

Revision 38 to NAFK-9503 adds mining plans on land owned by Falkirk in the E½ of the NW¼ of Section 32, T145N, R83W. As a result of this permit revision, Falkirk updated the introductory, legal, financial, compliance, surface and coal ownership information and the operation plans.

If you have any questions, please call me at 250-2603.

Sincerely,

**THE FALKIRK MINING COMPANY**



Jason Frye  
Environmental Specialist

JF/tv  
Enc.

**Falkirk Mine**  
2801 1st Street SW  
Underwood, ND 58576  
P: 701.442.5751 F: 701.250.2473  
[NACoal.com](http://NACoal.com)

The Falkirk Mining Company, a subsidiary company of The North American Coal Corporation

1 RC-25-77 Filed 02/19/2025 Pages: 3  
Revision Application to Add Mining Plans in the E1/2 of the NW1/4 of Section 32, T145N, R83W  
Falkirk Mining Company  
Jason Frye

 A NACCO COMPANY



**APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS**  
 PUBLIC SERVICE COMMISSION  
 RECLAMATION DIVISION  
 SFN 10562 (1-2004)

Date  
February 19, 2025

Name of Company, Corporation, Partnership, or Individual The Falkirk Mining Company	Permit Number NAFK-9503	Revision Number 38	
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 38 to NAFK-9503 adds mining plans on land owned by Falkirk in the E½ of the NW¼ of Section 32, T145N, R83W. As a result of this permit revision, Falkirk updated the introductory, legal, financial, compliance, surface and coal ownership information and the operation plans.

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
The Falkirk Mine	-0-				
ADDRESS					
2801 1st Street SW					
Underwood, ND 58576					
<b>TOTAL ACRES</b>	<b>-0-</b>				

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 <i>Tom Jaye</i>	Title Environmental Specialist
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**VERIFICATION**

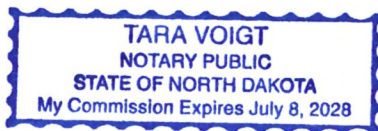
I, Jay H. Kost, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

Signature of Official <i>Jay H Kost</i>	Title President
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STATE OF North Dakota )  
 )ss.  
 COUNTY OF McLean )

Subscribed and Sworn before me, this 19<sup>th</sup> day of February, 2025.

(SEAL)



*Tara Voigt*  
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 Notary Public

My Commission Expires: \_\_\_\_\_