

**North American**  
**COAL**

**FALKIRK MINE**

March 13, 2025

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

**RE: Revision 38, Completeness Review Responses to Permit NAFK-9503**

Dear Mr. Emmer:

Falkirk submits the following responses to the completeness review items noted in your March 10, 2025 letter to existing Permit NAFK-9503.

**Section 1.2.4 – Newspaper Publication Notice**

- 1. The title block for Section 1.2.4o (Newspaper Publication Reference Map, Revision 38) is incorrectly labeled as Section 1.2.4n, consistent with previous Revision 35. Please update the title block for the Newspaper Publication Reference Map for Revision 38 to reflect the correct designation “Section 1.2.4o”. (BSM)***

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

- 2. As required by NDAC 69-05.2-10-01(1)(b)(1), please depict the relocated County Road No. 17 in Section 1.2.4o (Newspaper Publication Reference Map, Revision 38). (GAW/PJR)***

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

- 3. A portion of relocated County Road No. 17 appears to be within the “AFFECTED AREA” depicted in Section 1.2.4o (Newspaper Publication Reference Map, Revision 38). However, Revision 38, including Section 1.2.4 (Newspaper Publication Notice), does not appear to mention plans for road relocation or plans to conduct operations within 100 feet of the outside right-of-way of relocated County Road No. 17 in the E½NW¼ of Section 32, T145N, R83W as required by NDAC 69-05.2-10-01(d). If Revision 38 does not propose operations within 100 feet of the relocated County Road No. 17, please update the “AFFECTED AREA” depiction in Section 1.2.4o to ensure it does not extend within this distance. Alternatively, if Falkirk intends to conduct operations within 100 feet but outside the right-of-way, please revise the newspaper publication notice to state that Falkirk intends to conduct operations within 100 feet outside of the right-of-way or relocated County Road No. 17, in accordance with NDAC 69-05.2-10-01(d). (BSM)***

Please see the updated Newspaper Publication in Section 1.2.4.

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Revision 38 Complete Response Letter

Falkirk Mining Company  
Jason Frye

**Revision 38**  
**Completeness Review Responses**  
**2025**



**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

**Section 1.3.5 – Other Licenses and Permits**

4. ***The Air Pollution Control Permit to Operate (Item #4) and the Stormwater Permit (Item #9) listed in Section 1.3.5 (Other Licenses and Permits) are expired. Please update the expired permits in Section 1.3.5 with new effective dates for both permits that are issued by the ND DEQ. Any changes to Section 1.3.5 should also be reflected in Section 1.1.3 (Revision Lists of Changes). (JAR)***

Please see the updated Other Licenses and Permits in Section 1.3.5 and the updated List of Changes in Section 1.1.3.

**Section 1.5 – Identification of Interests and Rights of Entry**

5. ***Section 1.5 (Identification of Interests and Rights of Entry) states the “last change to ownership information” was for Revision 36 in December 2023. However, this information appears to be outdated and should be updated to reflect the changes with Revision 38 – February 2025. (JAR)***

Please see the updated Identification of Interest and Rights of Entry in Section 1.5.

**Section 3.1.5 – Pit Layout and Facilities Map**

6. ***Section 3.1.5 (Pit Layout and Facilities Map) appears to delineate the 2026 (101) mining area within 100 feet of the outside right-of-way of relocated County Road No. 17 within the E½NW¼ of Section 32, T145N, R83W. Since no updates on the relocation of County Road No. 17 have been made with Section 3.5.20 (Road Relocation and Closing Plan Narrative), or Section 3.5.21 (Road Relocation and Closing Plan Map), please revise Section 3.1.5 to remove any mining in the E½NW¼ of Section 32, T145N, R83W that is within 100 feet of the outside right-of-way of County Road No. 17 per NDAC 69-05.2-10-01(d). (BSM)***

Per Falkirk’s conversation with Jonathan Emmer on 3-10-25, mining will not be removed within 100 feet of the outside right-of-way on relocated County Road 17 in the NW ¼ of Section 32 on the Pit Layout and Facilities Map in Section 3.1.5 or the Road Relocation and Closing Plan Map in Section 3.5.21. Falkirk has McLean County approval to conduct operations within 100 feet of the outside right-of-way of temporary relocated county road 17. Falkirk will obtain the necessary approvals from McLean County to relocate the current temporary relocated county road 17, before mining can proceed through the road. Please see the future proposed plan for the temporary relocated county road 17 in the Road Relocation and Closing Plan Narrative in Section 3.5.20 and the Road Relocation and Closing Plan Map in Section 3.5.21.

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**Section 3.5.20 – Road Relocation and Closing Plan Narrative**

7. ***Please update Section 3.5.20 (Road Relocation and Closing Plan Narrative) to include the county approval to conduct mining operations within 100 feet of relocated County Road No. 17. (BSM/JWE)***

Please see the McLean County road resolution on page 19 in the Road Relocation and Closing Plan narrative in Section 3.5.20. Also, please see the future proposed plan for the temporary relocated county road 17 in the Road Relocation and Closing Plan Narrative in Section 3.5.20. The Revision List of Changes in Section 1.1.3 has been updated.

**Section 3.5.21 – Road Relocation and Closing Plan Map**

8. ***Please revise Section 3.5.21 (Road Relocation and Closing Plan Map) to show mining in the E½NW¼ of Section 32, T145N, R83W in relation to relocated County Road No. 17. Any changes to Section 3.5.21 should also be reflected in Section 1.1.3 (Revision Lists of Changes). (GAW)***

Please see the updated Road Relocation and closing Plan Map in Section 3.5.21 for the updated mining plans. Also, please see the future proposed plan for the temporary relocated county road 17 in the Road Relocation and Closing Plan Map in Section 3.5.21. The Revision List of Changes in Section 1.1.3 has been updated.

Sincerely,  
THE FALKIRK MINING COMPANY



Jason Frye  
Environmental Specialist

JF/tv