

FALKIRK MINE

July 9, 2025

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

RE: Revision 42, Completeness Review Responses to Permit NAFK-8705

Dear Mr. Emmer:

Falkirk submits the following responses to the completeness review items noted in your June 5, 2025 letter to existing Permit NAFK-8705.

Section 1.2 – Legal Information

- 1. Section 1.2.4 (Newspaper Publication Notice) states that the map shows the location of the mining pit cessation and the area affected by the land use change, but these features are not depicted in Section 1.2.4u (Newspaper Publication Reference Map). Please correct this discrepancy. (GAW/BSM/WWS)**

Please see the updated Newspaper Publication Notice in Section 1.2.4.

- 2. Section 3.1.5 (Pit Layout and Facilities Map) indicates that Falkirk is planning to conduct mining operations within 100 feet of the public road between Sections 19 and 30 during the current term of the permit. Therefore, for compliance with NDAC 69-05.2-10-01(1)(d) and NDAC 69-05.2-04-01.3, Section 1.2.4 (Newspaper Publication Notice) should mention that Falkirk is planning to seek McLean County approval to conduct operations within one hundred feet of the outside right of way of a public road, close, or relocate the road where mining is prohibited according to NDCC 38-14.1-07. Lastly, Section 1.2.4 must include a concise statement describing the road, the particular part to be relocated, where the relocation is to occur, and its duration, if necessary (N.D.A.C. 69-05.2-10-01(1)(d)). (GAW/BSM)**

Please see the updated Newspaper Publication Notice in Section 1.2.4 to include operations within 100 feet of the outside right-of-way and temporary closure of several section lines and roads. At this time, there are no roads that Falkirk plans to relocate, so no information was added on road relocation in Section 1.2.4.

- 3. Section 1.1.3 (Revision Instructions List) indicates that updates were made to several sections of the permit, including geology, fish and wildlife resources, probable hydrologic consequences, groundwater management plan, extended mining plan, and post-mining**

topography. However, these updated sections are not mentioned in Section 1.1.2 (Revision Summary Pages) and Section 1.2.4 (Newspaper Publication Notice). Please update the paragraphs in Section 1.1.2 and Section 1.2.4 to include references to these revised sections. (WWS/JAR/BSM)

Please see the updated Revision Summary Page in Section 1.1.2 and the Newspaper Publication Notice in Section 1.2.4.

- 4. Please review and verify that the area affected by mining is accurately delineated in Section 1.2.4u (Newspaper Publication Reference Map) since the Reclamation Division believes the current delineation does not fully encompass all the affected areas. For example, the current delineation appears to exclude portions of proposed sediment ponds P-W25-02 and P-W30-04. (PJR/BSM)**

Please see the updated Newspaper Publication Map in Section 1.2.4u to include all of the disturbance boundary for sedimentation ponds P-W25-02 and P-W30-04.

- 5. Please correct the title block in Section 1.2.4u (Newspaper Publication Reference Map) since it currently references Renewal 42 instead of Revision 42. (PJR/BSM)**

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

Section 1.5.1 – Permit Area Surface and Coal Interests

- 6. The coal ownership address for Leni Williams was updated in Tract 9 of Section 1.5.1 (Permit Area Surface and Coal Interests), but this update was not applied to Tract 9A where Leni Williams is also listed as a coal owner. Please review this discrepancy and update the coal ownership address for Leni Williams as necessary. (AAC)**

Please see updated Tract 9A in Section 1.5.1, Permit Area Surface and Coal Interests.

- 7. The coal ownership addresses for Daniel J. Liedholm, Timothy J. Liedholm, Vicki L. Liedholm, and Dale G. Liedholm were updated in Tract 11 of Section 1.5.1 (Permit Area Surface and Coal Interests), but these updates were not applied to Tracts 27, 29, and 29A. Please review this discrepancy and update the coal ownership addresses for Daniel J. Liedholm, Timothy J. Liedholm, Vicki L. Liedholm, and Dale G. Liedholm as necessary. (AAC)**

Please see updated Tracts 27, 29, and 29A in Section 1.5.1, Permit Area Surface and Coal Interests.

Section 2.8 – Soil Resources

- 8. Please add narrative to Section 2.8.1 (Soils Narrative) that discusses the current status of soil mixing agreements with Falkirk and private landowners in the permit area. (GAW/TLD/MLJ)**

The current status of soil mixing agreements is shown annually in the SPGM removal plan for any affected landowners in the removal area. The soil mixing agreements can also be found in Section 1.5.1 for areas not included in the annual SPGM removal plan.

- 9. According to Section 3.1.5 (Pit Layout and Facilities Map), a considerable amount of reclaimed land will be re-disturbed in Sections 19, 25, 26, and 30. Since the pre-mine soil survey map is no longer applicable in these areas, please provide a map within Section 2.8 (Soil Resources) that shows the depths of SPGM respread on reclaimed land that is to be re-disturbed. (GAW/TLD/MLJ)**

See new map Section 2.8.2a showing previously reclaimed respread depths that will potentially be re-disturbed.

- 10. Section 2.8.7 (Drillhole Location, Overburden Characteristics, and Projected Respread Depths Map) contains outdated potential 42” SPGM respread depth delineations. Please update these delineations in Section 2.8.7. (GAW/TLD/MLJ)**

See updated 2.8.7 map changing 42” respread to 48” respread in future mining areas and added previously reclaimed limit line to map. Areas that have been reclaimed were left unchanged for historical purposes.

Section 3.1.2 – Mining Method Narrative

- 11. Since a considerable amount of previously reclaimed land will be re-disturbed in Sections 19, 25, 26 and 30, please include a discussion in Section 3.1.2 (Mining Method Narrative) addressing the re-disturbance of reclaimed land and provide an estimate of the acreage to be re-disturbed, categorized by surface ownership. Additionally, the topsoil and subsoil narrative at the bottom of page 1 in Section 3.1.2 should address SPGM removal on land previously reclaimed. (GAW)**

See updated 3.1.2 narrative discussing previously reclaimed lands.

Section 3.1 – Operations Plan - General

- 12. Section 3.1.5 (Pit Layout and Facilities Map) depicts an overburden storage area on the former ash disposal facility in the N½ of Section 26. Please clarify if any box cut spoil from the initial pit is to be stockpiled at this location. If necessary, please add a narrative to Section 3.1.1 (Operations Description) that explains how access to the site will be provided. (GAW)**

See updated 3.1.5 map with added access route to OB storage area and updated 3.1.1 narrative discussing route.

- 13. Please revise Section 3.1.5 (Pit Layout and Facilities Map) to include the Hagel A & B crop lines, and add these delineations to the map legend. (PJR)**

See updated crop lines in Section 3.1.5.

- 14. Please revise Section 3.1.5 (Pit Layout and Facilities Map) to include a Terrain Modification Boundary in accordance with NDAC 69-05.2-09-02, and add this delineation to the map legend. (BSM/PJR)**

See added terrain modification boundary to Section 3.1.5.

Section 3.5 – Operations – Transportation Facilities

- 15. Section 3.5.10 (Culvert Installation Designs) does not appear to include all relevant information for culverts delineated on Section 3.5.2 (Transportation Facilities Map). Please review and revise to ensure all culverts are listed with their associated Haul Road and corresponding stationing, consistent with their delineation on Section 3.5.2. Additionally, please verify the culvert sizes in Section 3.5.10 match those displayed in Section 3.5.2, as some discrepancies were noticed. (BSM)**

Deleted Section 3.5.10, Culvert Installation Designs, and made separate culvert installation design documents for each haul road section depicted in 3.5.2, Transportation Facilities Map. Any other approach culvert depicted on 3.5.2 map running parallel to a haul road does not have design details associated with it. Watersheds for these are typically small and only used to convey water under an approach or from the shop yard

- 16. There appears to be discrepancies between the stationing of culverts within Haul Road Section A1 as shown in Section 3.5.2 (Transportation Facilities Map), and the culvert stationing listed in Section 3.5.8a (Culvert Installation Design) and Section 3.1.1a (Marion 8200 Dragline Assembly Pad Design Documents). Please review and update relevant**

sections as necessary to ensure the culvert design information is accurate and aligns with the stationing depicted in Section 3.5.2. This issue may be addressed in the technical review process, but it may be more appropriate to address this discrepancy in conjunction with Item No. 15 above. (BSM)

Updated stationing in 3.5.2, Transportation Facilities Map to match Section 3.5.8a, Culvert Installation Design, and Section 3.1.1a, Marion 8200 Dragline Assembly Pad Design Documents.

Section 4.1.4 – Landowners’ Post-Mining Preference Statements

17. If applicable, please provide updated preference statements in Section 4.1.4 (Landowners’ Post-Mining Preference Statements) for lands to be affected by Revision 42. The current post-mining preference statements in the permit date as far back as 1987, and surface owner changes have occurred since that time. This issue may be addressed during the technical review process. (GAW)

During the current permit term, updated preferences statements are not needed. During the next permit renewal, updated preference statements may be needed.

Section 4.2.1 – Reclamation Procedures Narrative

18. A considerable amount of reclaimed land will be re-disturbed in Sections 19, 25, 26, and 30. Please update Section 4.2.1 (Reclamation Procedures Narrative) to include a discussion about re-disturbing reclaimed land. (GAW)

See updated Section 4.2.1 narrative including re-disturbed reclaimed lands discussion.

19. Since the cable belt conveyor system has been removed, please update the third paragraph on page three of Section 4.2.1 (Reclamation Procedures Narrative). (MLJ)

See updated Section 4.2.1.

Section 5.1 – Pre-Mining Wetlands

20. Section 5.1.1c (Center Area II Addition and Revision 42 Pre-Mining Wetland Table) does not include wetlands in Sections 19, 23, and 24, which are associated with the Revision 42 mine area. Additionally, the Wetland Identification numbers in Section 5.1.1c do not match the identification numbers provided in Section 5.1.1a (Pre-Mining Wetland Location Map). For example, the table in Section 5.1.1c identifies the wetlands in Section 30 by quarter section while the map depicts wetlands W-30-1 through W-30-8 in the N½ of Section 30. Thus, it is

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unclear how wetlands T-NE30-1 through T-NE30-3 correspond to the mapped locations. Please review and revise Section 5.1.1c and/or Section 5.1.1a as necessary to provide clarity. (GAW)

Please see the Introduction and Pre-Mining Wetland Narrative in Section 5.1.1 regarding information on previously delineated wetlands in Sections 19, 23, and 24. Acreages for these wetlands are included in the Pre- and Post-Mining Land Use Acreage Comparison Table in Section 4.1.3. Wetland identification numbers were updated for the temporary wetlands that were added as part of Revision 42 in Sections 5.1.1b and 5.1.1c. to correlate with the Pre-Mining Wetland Location Map in Section 5.1.1a. Section 5.1.1b only includes acreages of previously delineated temporary wetlands and the new delineated temporary wetlands (Section 25 & 30) as part of Revision 42. Section 5.1.1c only includes wetlands that were part of the Center Addition II (temporary and seasonal) and the new temporary wetlands (Section 25 & 30) that were delineated as part of Revision 42. All wetland acres are included in the Pre- and Post-Mining Land Use Acreage Comparison Table in Section 4.1.3 (see footnote 2 for additional information).

Consolidated Bonding

21. Please correct the typographic error in comment No. 4 within the Consolidated Bonding List of Changes by revising "8750" to "8705". (TLD/BSM)

Please see corrected typographic error in comment No. 4 of the Consolidated Bonding List of Changes.

Sincerely,
THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv