

FALKIRK MINE

March 20, 2026

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

RE: Revision 42, Technical Review (2) Responses to Permit NAFK-8705

Dear Mr. Emmer:

Falkirk submits the following responses to the technical review items noted in your March 3, 2026 letter to existing Permit NAFK-8705.

Section 2.8 – Soil Resources

- 1. Please revise Section 2.8.1 (Soils Narrative) to clarify if Falkirk will need to salvage additional subsoil to reclaim the ash pit in the N½ of Section 26 to cropland. It is not clear if sufficient soil is currently stockpiled in the permit area to achieve the expected SPGM respread requirements based on graded spoil properties for the former ash pit area. The last paragraph on page 1 of Section 4.2.1d (Section 26 Ash Pit Contingency Plan) suggests that former Commission staff authorized using an overburden stockpile southwest of the ash pit as subsoil when the area was to be reclaimed to fish and wildlife grassland and wetland habitat. Overburden must meet the other suitable strata requirements set forth in NDAC 69-05.2-15 and Policy Memorandum No. 3 to Mine Operators to be considered as subsoil. (GAW)***

Please see the updated Section 26 Ash Pit Contingency Plan in Section 4.2.1d.

- 2. As discussed between Falkirk and Reclamation Division staff on March 3, 2026, please add the delineated wetlands depicted in Section 5.1.1a (Pre-Mining Wetland Location Map) to Section 2.8.2 (Soil Survey Map) and Section 2.8.2a (Soil Survey Map with Previously Reclaimed Respread Depths). (MLJ/TLD)***

Please see the updated delineated wetlands on the Soil Survey Map in Section 2.8.2 and the Soil Survey Map with Previously Reclaimed Respread Depths in Section 2.8.2a.

Section 3.5 – Operations – Transportation Facilities

- 3. Please update Section 3.5.1 (Transportation Narrative) to include the most recent McLean County approvals and resolutions dated December 19, 2025, that were emailed to the Reclamation Division on January 6, 2026. Furthermore, please review and verify that Section 3.5.20 (Road Relocation and Closing Plan Map) accurately reflects these approvals and resolutions. (BSM)***

Please see the updated Transportation Narrative in Section 3.5.1 that includes the resolution from December 19, 2025 and the updated Road Relocation and Closing Plan Map in Section 3.5.20 that shows the updated roads with the 100' setback and closing.

Section 3.6 – Operations - Surface Water Management

- 4. Section 3.6.3a (Total Water Management Plan Map) does not delineate diversions D-W22-01, D-W22-03, and D-W32-02, although these diversions are included in the Consolidated Worst-Case Bond. Please review and verify that the surface water management features depicted in Section 3.6.3a align with the most current version of the pending Consolidated Worst-Case Bond and revise as necessary to ensure consistency. (BSM)***

Diversions D-W22-01 and D-W22-03 have been added to Section 3.6.3a, Total Water Management Plan Map. Diversion D-W32-02 was not added as it has been reclaimed.

Section 4.2.1 – Reclamation Procedures Narrative

- 5. As stated in Falkirk's response to Item No. 20 of our September 12, 2026 technical review letter, it appears Falkirk intended to remove Section 4.2.1a (SPGM Mixing Agreement Location Map) from the permit since the information provided is outdated and no longer relevant; however, this section remains in the permit. If this remains Falkirk's intent, please remove Section 4.2.1a from the permit. (MLJ/TLD)***

Section 4.2.1a, SPGM Mixing Agreement Location Map has been deleted from the permit.

Additional Updates:

- Please see the updated List of Major Equipment in Section 3.1.4. The 8200 Dragline was updated to a 75 cubic yard machine.
- Section 3.1.5, Pit Layout and Facilities Map has been updated to reflect the latest changes to the water management features.
- Section 3.6.4.4d, Design of Sedimentation Pond P-W30-04 has been replaced with Section 3.6.4.4d, Design of Sedimentation Pond P-W31-04.
- Section 3.6.4.4e, Design of Sedimentation Pond P-W30-05 has been replaced with Section 3.6.4.4e, Design of Diversion D-W30-02.

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5. Section 3.6.3d, Pond Construction and Reclamation Schedule has been updated to reflect the latest changes to the total water management plan. Sedimentation ponds P-W30-04 and P-W30-05 have been removed and P-W31-04 added.

Sincerely,
THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv