

FALKIRK MINE

August 28, 2025

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

RE: Revision 45, Renewal #8, Pre-renewal Review Responses to Permit NAFK-8405

Dear Mr. Emmer:

Falkirk submits the following responses to the pre-renewal review items to Permit NAFK-8405 in response to your letter dated July 17, 2025.

General

- 1. If necessary, please update any map that will be updated with the future permit revision to depict Bond Release No. 4 located in portions of Sections 22 and 27 of T146N, R82W that became effective on April 7, 2023. (BSM)***

Please see the updated permit boundary to depict Bond Release No. 4 on maps in Section 2.1.2, 2.3.11, 2.3.12, 2.3.13, 2.3.14, 2.3.15, 2.6.4, and 3.5.21.

Section 1.1 – Introductory Information

- 2. Please provide an updated Consolidated Legal Information Report covering Section 1.1.6 (Schedule of Violations), Section 1.3.1 (Names of Officers, Directors, and Share Holders, and Organizational Structure), Section 1.3.2 (Names of Other Mines), and Section 1.3.3 (Current Permits and Permit Applications, Including Pending Applications) if any changes to ownership and control information, the list of current or previous coal mining permits held during the past five years, or the schedule of violation notices in the past three years since the most recent consolidated report. (WWS/PJR/JAR)***

A separate, stand-alone document, "Consolidated Legal Information", is on file with the ND PSC, submitted by The North American Coal Corporation as of June 13, 2025 and will be updated prior to approval.

Section 1.2.5 – Certification of Liability Insurance

- 3. Please update Section 1.2.5 (Certification of Liability Insurance) with the current certificate and its endorsement as required by NDCC 38-14.1-14(3) and NDAC 69-05.2-12-20. (WWS/AAC/JAR)***

Please see updated Section 1.2.5, Certification of Liability Insurance.

Section 1.3 – Business Entity/Compliance Information

4. ***If necessary, please update Section 1.3.4 (Permit Suspensions or Revocations and Bond Forfeitures) if any changes have occurred since it was last updated in November 2003. (WWS/PJR/JAR)***

No changes have occurred since last updated in November, 2003.

5. ***Please update Section 1.3.5 (Other Licenses and Permits) as required by NDAC 69-05.2-06-04 if changes have occurred since updates were made with Revision No. 44. (BSM)***

Please see the updated Other Licenses and Permits in Section 1.3.5.

Section 1.5 – Identification of Interests and Rights of Entry

6. ***If necessary, please update the surface and coal ownership interests listed in Section 1.5.1 (Permit Area Surface and Coal Interests) and Section 1.5.2 (Adjacent Surface and Coal Ownership and Leasehold Information). Any changes to either of these sections should also be reflected in Section 1.5.3 (Surface and Coal Ownership Map). (WWS/PJR/AAC/BSM/TLD)***

Please see updated Certificate of Authenticity of Documents, Section 1.5.1, Permit Area Surface and Coal Interests, Section 1.5.2, Adjacent Surface and Coal Interests, Section 1.5.3, Surface and Coal Ownership Map.

Section 2.1 – Cultural and Historic Resources

7. ***If there are any required updates to cultural resource studies, narratives, specific site location information or the map in Sections 2.1.1 – 2.1.4, please provide those updates at this time. (BSM)***

Please see the Cultural Resources Location Map in Section 2.1.2 for new permit boundary. Sections 2.1.1, 2.1.3 and 2.1.4 will be updated in a future permit revision when Falkirk receives the final mitigation report and NDSHPO letter for cultural sites 32ML1352 and 32ML1388.

Section 2.2 – Description of Ground Water Hydrology

8. ***If any ground water monitoring wells have been recently installed, re-surveyed, plugged, abandoned, or mined through, please make the appropriate updates to the relevant portions of Section 2.2 (Ground Water Hydrology), including applicable maps. (PJR)***

Please see changes made in Section 2.2 during Revision 42, of Falkirk Mine West Permit NAFK-8750.

Section 2.3 – Description of Geology

- 9. Please update Section 2.3.12 (Overburden Thickness Isopach Map), Section 2.3.13 (Interburden Thickness Isopach Map), and Section 2.3.14 (Drill Hole Location and Cross-Section Reference Map) to include the most recent mined out boundaries. (BSM)**

Please see updates made to Sections 2.3.12, 2.3.13, and 2.3.14.

Section 2.4 – Fish and Wildlife Resources

- 10. If necessary, please update Section 2.4.3 (Wildlife Monitoring Plan) if monitoring plans have been altered or changed, or if any USFWS IPaC listed threatened, endangered, or proposed species have changed since the approval of Revision No. 43. (AAC)**

Please see the updated Fish and Wildlife Management Plan in Section 2.4.2 and the Wildlife Monitoring Plan in Section 2.4.3.

Section 2.6 – Surface Water Information and Monitoring Plan

- 11. If updates are necessary since the approval of Revision No. 42, please update Section 2.6.7 (Surface Water Monitoring Plan) and Section 2.6.8 (Surface Water Monitoring Stations). (JAR)**

No updates were necessary for the Surface Water Monitoring Plan in Section 2.6.7 or the Surface Water Monitoring Stations in Section 2.6.8. The permit boundary was updated on the Surface Water Features and Monitoring Sites Map in Section 2.6.4 to reflect Bond Release No. 4.

Section 3.1 – Operations Plan - General

- 12. Please update the estimated number of acres to be disturbed during the next permit term in Section 3.1.1 (Operations Description) if any changes have been made to the mining plan since Revision No. 44. (JAR/AAC/TLD/BSM)**

Please see the updated Operations Narrative in Section 3.1.1.

- 13. Please review the estimated annual coal production values listed in Section 3.1.3 (Estimated and Total Production) and update as necessary to ensure the values listed are accurately**

reflected for the next term of the permit as required by NDAC 69-05.2-09-01(1). (PJR/AAC/JAR/BSM)

Please see the updated Estimated and Total Production in Section 3.1.3.

14. If necessary, please update Section 3.1.4 (List of Major Equipment) if changes have occurred since Revision No. 43 and as required by NDAC 69-05.2-09-01(1). (PJR/AAC/JAR/BSM)

Please see the updated List of Major Equipment in Section 3.1.4.

15. Please review Section 3.1.5 (Pit Layout and Facilities Map) and revise if any pit sequence changes are planned and identify the five-year coal removal subarea for the next permit term as required by NDAC 69-05.2-09-02(3). (PJR/AAC/JAR/BSM/TLD)

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

16. Please review Section 3.1.5 (Pit Layout and Facilities Map) and revise if any changes with the status or presence of SPGM stockpiles, overburden stockpiles, water management structures, haul roads, buildings, facilities, utilities, and structures have occurred since the map was last updated with Revision No. 44 as required in part by NDAC 69-05.2-09-02. Any applicable changes to Section 3.1.5 should also be reflected in the appropriate subsections of Section 3.1 (Operations Plan – General). (PJR/AAC/JAR/BSM/TLD)

Please see the updated Pit Layout and Facilities Map in Section 3.1.5 and the updated Operations Narrative in Section 3.1.1.

17. Please review and update Section 3.1.6 (Extended Mining Plan Topographic Map of Mine Phases) to provide current, updated information regarding Falkirk's proposed/future mining plans as required by NDAC 69-05.2-07. (BSM/PJR)

Please see the updated Extended Mining Plan Map in Section 3.1.6.

Section 3.5 – Operations – Transportation Facilities

18. Please update Section 3.5.1 (Haulage Road Narrative), Section 3.5.2 (Transportation Facilities Map), and Section 3.5.20 (Road Relocation and Closing Plan Map) for the next permit term, if necessary. (WWS, BSM)

No changes were made to Section 3.5.1, Haulage Road Narrative. Updated all haul roads and ramps in Section 3.5.2, Transportation Facilities Map.

Section 3.6 – Operations – Surface Water Management

- 19. If necessary, please update Section 3.6.1a (Total Water Management Plan Map) to indicate any changes with the status or presence of water management structures or other map features since the map was last updated with Revision No. 44 as required in part by NDAC 69-05.2-09-02 and NDAC 69-05.2-09-09 (MLJ/JAR)**

Section 3.6.1a, Total Water Management Plan Map has been updated with the latest water management information.

- 20. Please review Section 3.6.1d (Pond Reclamation and Construction Schedule) and update if changes have occurred since Revision No. 44. (MLJ/JAR)**

Section 3.6.1d, Pond Reclamation and Construction Schedule has been updated with the latest water management information.

Section 4.2 – Reclamation-General

- 21. Please review Section 4.2.2 (Reclamation Schedule) and Section 4.2.3 (Grading Sequence Map) and update if any changes have occurred since Revision No. 44. (AAC/JAR/BSM)**

Please see updated Section 4.2.2, Reclamation Schedule and Section 4.2.3, Grading Sequence Map.

Section 4.2.4 – Reclamation Costs

- 22. Please review and update, if necessary, the stand-alone consolidated documents regarding the reclamation costs to ensure the amount is adequate for mining and reclamation planned during the next term of the permit. We understand that this has been updated in response to pending Revision No. 42 to Permit NAFK-8705. (BSM)**

With Falkirk's current mine plan, the reclamation cost is adequate for the next permit term with pending Revision No. 42 to Permit NAFK-8705. If the mine plan changes in the future that would increase the reclamation cost during the next permit term for NAFK-8405, Falkirk will update the reclamation cost to reflect those changes.

Mr. Jonathan Emmer
August 28, 2025
Page 6

Additional Updates:

Section 3.6.86, Design of Sedimentation Pond P-E05-01 has been updated, entirely.

Sincerely,

THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv
Enc.