



# Public Service Commission

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*sent via email only*

September 17, 2025

Mr. Jason Frye  
Environmental Specialist  
Falkirk Mining Company  
P.O. Box 1087  
Underwood, ND 58576-1087  
jason.frye@nacoal.com

Dear Mr. Frye:

The Reclamation Division has conducted a completeness review of the applications for Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405. The revision is in response to the Reclamation Division's pre-renewal review letter for Permit NAFK-8405 dated July 17, 2025. The items below must be satisfactorily addressed before the applications can be deemed complete. Please respond in a timely manner so that publication of the public notice and the technical review can begin.

## **Section 1.0 – Introductory, Legal, Financial, Compliance, and Related Information**

1. Karen Ness is not listed in Section 1.2.4 (Newspaper Publication Notice) for coal ownership in Tract 37 but is listed in Section 1.5.3 (Surface and Coal Ownership Map). Also, Eugene Ness is listed in Section 1.2.4 for coal ownership in Tract 37 but is not listed in Section 1.5.3. Please review and revise as necessary. (JAR)
2. Beverly A. Bergquist and Michael A. Love are identified as coal owners in Tract 64 in Section 1.2.4 (Newspaper Publication Notice) but are not identified in Section 1.5.3 (Surface and Coal Ownership Map). Please review and update the information accordingly. (JAR)
3. Section 1.2.4 (Newspaper Publication Notice) identifies Robert V. Bolinke under coal ownership for Tract 96. According to ownership information depicted in Section 1.5.3 (Surface and Coal Ownership Map), it appears "Bolinke" should be "Bolinske". Please review and revise as necessary. (JAR)
4. The coal ownership information for remainderman Heather D. shows inconsistency in the last name between Tracts 50 and 53 in Section 1.5.1 (Permit Area Surface and Coal Interests) and Section 1.5.3 (Surface and Coal Ownership Map). While the name appears consistent for Tracts 54, 55, 56, 82, and 83, please verify all tracts listing Heather D. as remainderman in Section 1.5.1, Section 1.5.2 (Adjacent Surface and Coal Ownership and Leasehold Information), and Section 1.5.3 are consistent. (BSM)

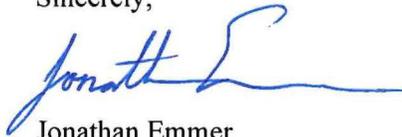
5. The coal ownership for Lease No. 03863 in Section 1.5.2 (Adjacent Surface and Coal Ownership and Leasehold Information) has been updated; however, the total for coal ownership no longer equals 100%. Please review and verify that all coal ownership parties and their leased percentages for Lease No. 03863 are accurately listed. Additionally, confirm that any corrections made to Section 1.5.2 are reflected in Section 1.5.3 (Surface and Coal Ownership Map). (BSM)

**Section 3.1 – Operations Plan - General**

6. Section 3.1.5 (Pit Layout and Facilities Map) depicts mining of federal coal in Sections 2 and 3, but Falkirk does not have the federal coal lease for these tracts. Please revise Section 3.1.5 to not show mining of federal coal in Sections 2 and 3. (JWE, JAR, WWS)
7. The title block for Section 3.1.6 (Extended Mining Plan Topographic Map of Mine Phases) lists the Project as “East Permit NAFK-8705 Rev. 45” instead of “East Permit NAFK-8405 Rev. 45.” Please correct this error. (BSM)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer  
Director  
Reclamation Division

cc via email only: Steve Burke (steve.burke@nacoal.com)