

FALKIRK MINE

September 24, 2025

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

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

Dear Mr. Emmer:

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

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)**

Updated Tract 37 in 1.5.1 to correct previous error. Updated Tract 37 in 1.2.4 newspaper publication to fix error.

- 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)**

Corrected Tract 64 in 1.5.3, Surface and Coal Ownership Map.

- 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)**

Corrected typographical error in 1.2.4, newspaper publication.

- 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)

Corrected Tract 50 & 53 in 1.5.3, Surface and Coal Ownership Map.

- 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)**

Updated 1.5.2, Adjacent Surface and Coal Ownership and Leasehold Information. Updated Adjacent tract 1.5.3, Surface and Coal Ownership Map.

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)**

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

- 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)**

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

Additional Updates:

1. Please see the updated Newspaper Publication Notice in Section 1.2.4, the Newspaper Publication Reference Map in Section 1.2.4s, 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. The updates include information to temporarily close the section line road (28th avenue NW) between the E½ of Section 8 and W½ of Section 9, T146N, R82W and the SE¼ of Section 5 and the SW¼ of Section 4, T146N, R82W, and temporarily relocate the road.

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Sincerely,

THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv
Enc.

Falkirk Mine

2801 1st Street SW
Underwood, ND 58576
P: 701.442.5751 F: 701.250.2473

NACoal.com

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