

FALKIRK MINE

October 3, 2025

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

RE: Initial Review Responses to Final Bond Release 7, Permit NAFK-9601

Dear Mr. Emmer:

Falkirk submits the following responses to the initial review items to Final Bond Release 7, Permit NAFK-9601 in response to your letter dated September 26, 2025.

List of Attachments

- 1. Attachment X is currently listed as “Wetland” instead of “Wetland Data.” Please correct the title to “Wetland Data” in the List of Attachments to match Attachment X’s title page. (BSM)**

Please see the updated List of Attachments.

Attachment III – Public Notice

- 2. The last sentence of the first paragraph of the public notice (Attachment III) states, “Sections 31...”. Please change it to “Section” since Section 31 is the only section within T146N, R81W. (JWE, GAW, WWS)**

Please see the updated public notice in Attachment III.

- 3. The second paragraph of the public notice (Attachment III) states, “The current bond coverage for Permit NAFK-9601 is \$2,477,808.93.” However, collateral bond CB-9601-1 currently totals \$2,831,808.00 since Falkirk has not requested a reduction of the collateral bond since the approval of Bond Release No. 6. Please revise the second paragraph to state, “The current bond coverage for Permit NAFK-9601 is \$2,831,808.00.” (JWE, GAW, WWS)**

Please see the updated public notice in Attachment III.

Attachment IV – Letters to Interested Parties

- 4. The narrative in Attachment IV (Letters to Interested Parties) states, “The current bond coverage for Permit NAFK-9601 is \$2,477,808.93.” However, collateral bond CB-9601-1**

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currently totals \$2,831,808.00 since Falkirk has not requested a reduction of the collateral bond since the approval of Bond Release No. 6. Please revise the second paragraph to state, "The current bond coverage for Permit NAFK-9601 is \$2,831,808.00." (JWE, GAW, WWS)

Please see updated letters to interested parties in Attachment IV.

- 5. The letter heading on page 50 within Attachment IV (Letters to Interested Parties) is addressed to the former director of the North Dakota Department of Water Resources (DWR) and it contains an outdated address. Please update the addressee to the current director, Reice Haase, and the current address of 1200 Memorial Hwy, Dept 770, Bismarck, ND 58504. Additionally, please update the second-page header of the letter to reflect the current director. (BSM/JAR/GAW)**

Please see updated letters to interested parties in Attachment IV.

- 6. Mr. Larry A. Schultz is an adjacent surface owner in the SW¼ of Section 36, but a letter is not included in Attachment IV (Letters to Interested Parties). Please include a letter to Mr. Larry A. Schultz. (JAR/WWS)**

Larry Schulz is deceased and the letter is just addressed to his wife Patricia Schulz.

- 7. In Attachment IV (Letters to Interested Parties), the address for Tom Claeys (North Dakota Forest Service) is incorrect. Please change the address to 916 E Interstate Avenue Suite #4, Bismarck, ND 58503-1227. (JWE, GAW, WWS)**

Please see updated letters to interested parties in Attachment IV.

Attachment V – Aerial Photo Base Map

- 8. The color coding in the legend of the map on page 75 of Attachment V (Aerial Photo Base Map) does not match the colors in the map for Subtracts 7B-1 and 7B-2. Please revise the legend in Attachment V to match the color coding for Subtracts 7B-1 and 7B-2. (BSM)**

Please see the updated aerial photo base map in Attachment V.

Attachment VII – Reclamation History

- 9. Please revise the legend on the Partial Bond Release Tracts Map on page 86 within Attachment VII (Reclamation History) to show the yellow shaded area as being Final Bond Release #7 instead of #6 and change the year from 2024 to 2025. (PJR)**

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The Falkirk Mining Company, a subsidiary company of The North American Coal Corporation

 A NACCO COMPANY

Please see the updated previous partial bond release map in Attachment VII.

Attachment VIII – Bond Calculation

- 10. The tract column in the top table on page 90 within Attachment VIII (Bond Calculation) incorrectly labels Tracts 7C-1, 7C-2 and 7C-3 as 7B-1, 7B-2, and 7B-3. Please correct this error. (BSM)**

Please see the updated supplement No. 2 in Attachment VIII.

- 11. The top table on page 90 (Bond Calculation) incorrectly states “Post BR6 Reclamation Liability” in the far-right column instead of “Post BR7 Reclamation Liability.” Please correct this error. (BSM/WWS)**

Please see the updated supplement No. 2 in Attachment VIII.

Attachment IX – Production Data

- 12. Falkirk states that the Loamy reference area was used to calculate the production correction factor in the Production Success Standards subsection on page 122 within Attachment IX (Production Data). Please provide a narrative explaining why Falkirk would not use the Loamy Overflow reference area in conjunction with the Loamy reference area, as approximately 16% of the pre-mine bond release tract is either a Wet Meadow or Loamy Overflow ecological site. (WWS)**

Please see the updated native grassland production standard calculations narrative and cover standard calculations narrative in Attachment IX.

- 13. It appears there are two discrepancies regarding the weighted production calculations on pages 123 (2017 Native Grassland Production Calculations) and 126 (2020 Native Grassland Production Calculations) within Attachment IX (Production Data). The Williams-Bowbells soil series should be listed as a Williams-Zahl series with the appropriate eco-site and NRCS production estimate. The Falkirk-Like Slope 1-3% soil series should have an NRCS production estimate of 2330 lbs/ac instead of 3180 lbs/ac. Please update the table and make the appropriate calculation corrections. (WWS/GAW)**

Please see the updated native grassland production standard calculations narrative, 2017 production standard calculation, 2020 production standard calculation, 2017 basal cover standard calculations, and 2020 basal cover standard calculations in Attachment IX.

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14. In the Diversity and Seasonality Success Standards subsection on page 157 within Attachment IX (Production Data), Falkirk states that no species list was collected for the native grassland in Section 31 because a species list was not a requirement in 2017 and 2020, the years that are used in this bond release application. The Reclamation Division understands that this data is not available, but since Falkirk is using the newer guidelines (August 2025) in other parts of this bond release application, Falkirk should provide a species list from a more recent year. (AAC/GAW/WWS)

Please see the updated native grassland diversity and seasonality standard narrative and the 2025 species list added in Attachment IX.

Additional Updates:

1. Changed the last sentence of the first paragraph in the general information narrative from "Sections 31" to Section 31" in Attachment ii.
2. Changed the first sentence of the first paragraph in the wildlife narrative from "Sections 31" to Section 31" in Attachment XI.

Sincerely,

THE FALKIRK MINING COMPANY



Tanner Jochim
Environmental Specialist

TJ/tv
Enc.