

FALKIRK MINE

December 16, 2025

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

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

Dear Mr. Emmer:

Falkirk submits the following responses to the technical review items to Final Bond Release 7, Permit NAFK-9601 in response to your letter dated December 3, 2025.

Attachment ii: General Information

- 1. The Surface Ownership Map on page 10 within Attachment ii (General Information) contains a spelling error for Missouri River Sanitation, the surface owner shown on the far northwest corner of the map. Please change “Missour” to the correct spelling of “Missouri” on the Surface Ownership Map. (PJR)***

Please see the updated surface ownership map in Attachment ii.

- 2. A sentence in the last paragraph on page 8 within Attachment ii (General Information) states that climatic correction method B (County-Wide Average yield data published by the North Dakota Agricultural Statistics (NDAS)) was used to develop the productivity standard. The first table on page 92 within Attachment IX (Production Data) indicates that USDA Risk Management Agency (RMA) data was used to climatically correct the unadjusted productivity standard. Please revise to clarify which data were used for climatic correction. (GAW)***

Please see the updated narrative in Attachment ii.

Attachment IX – Production Data

- 3. Please consider adding Subtracts 7A, 7B, and 7C behind the “Section 25”, “Section 36”, and “Section 31” labels at the top of pages 92, 105, and 122, respectively, within Attachment IX (Production Data) to provide tract identification information consistent with the application form. (GAW)***

Please see the updated adjusted cropland standard for section 25 and section 36 and production standard calculations, cover standard calculations, diversity and seasonality standard, and permanence standard for section 31 in Attachment IX.

- 4. Please revise the first paragraphs of pages 92 and 105 within Attachment IX (Production Data) to clarify whether NDAS or RMA data are being used to climatically adjust the unadjusted productivity standards. It appears all references to data published by NDAS should be removed. (GAW)***

Please see the updated adjusted cropland standard for section 25 and section 36 in Attachment IX.

- 5. Actual yields for Section 25 (Subtract 7A-1) are listed as 106 acres according to the 2021 and 2023 Farm Boundary Maps on pages 96 and 99 within Attachment IX (Production Data). However, the farmer cooperator, Brent Peterson, indicates that the field size was 106.09 acres in 2021 and 103.96 acres in 2023, which are the values used to calculate actual bushels per acre for the purposes of demonstrating revegetation success. The application form indicates that Subtract 7A-1 is 107.04 acres. Please clarify how the field size was determined by the cooperator in 2021 and 2023 or provide an explanation as to why the field size varies between 2021 and 2023. (GAW)***

Please see the updated 2021 and 2023 field boundary maps for section 25 and the section 25 adjusted cropland standard in Attachment IX.

- 6. The unadjusted productivity standard for Section 36 was calculated without including the prime farmland acreage in Section 36, which is 2.8 acres. Tables on page 8 of Section 4.1.6a in Permit NAFK-9601 provide that the prime farmland unadjusted productivity standard will be less than the non-prime farmland soils in Section 36. Thus, it is appropriate to develop a combined prime and non-prime farmland productivity standard for Section 36; however, the prime farmland acreage should be included in the combined productivity standard on page 107 within Attachment IX (Production Data). Please revise the Section 36 Cropland Productivity Index on page 107 accordingly. The unadjusted cropland yield standards in Section 4.1.6a of Permit NAFK-9601 will need to be updated in the next permit revision to calculate the weighted PI value for the field rather than an average bushels per acre value. (GAW)***

The current unadjusted productivity standard given for section 36 is combined of prime and non-prime farmland, as stated in Permit NAFK-9601 Section 4.1.6a.

- 7. The first paragraphs of the success standards narratives on pages 122 and 129 within Attachment IX (Production Data) reference the March 2022 Revegetation Success Standards document. The Reclamation Division believes the 2025 Revegetation Success Standard document should be referenced in a bond release application rather than the 2022 version. Please revise these narratives accordingly. (GAW)***

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Please see the updated production standard calculations, cover standard calculations, diversity and seasonality standard, and permanence standard for section 31 in Attachment IX.

- 8. The 2017 and 2020 ground cover calculations for the reclaimed native grassland within Attachment IX (Production Data) includes sweet clover as a live hit. NDAC 69-05.2-22-07(3)(a) requires that all species used to determine ground cover revegetation success be perennial species not detrimental to the land use. Please recalculate the reclaimed native grassland ground cover values for 2017 and 2020 on pages 130 and 143, respectively, for compliance with NDAC 69-05.2-22-07(3)(a), and adjust the ground cover values in the table on page 129. (GAW)**

Please see the updated cover standard calculations, 2017 and 2020 section 31 cover data, 2017 and 2020 basal cover standard calculations, and diversity and seasonality standard in Attachment IX.

- 9. The 2020 Native Grassland Production Table on page 127 within Attachment IX (Production Data) lists quackgrass twice with different totals. Please review and update this table as needed to ensure all the data provided is accurate. (AAC/WWS)**

Please see the updated 2020 Section 31 Production Data in Attachment IX.

Attachment X – Wetland

- 10. The third paragraph on page 167 within Attachment X (Wetland Data) specifies Final Bond Release 6. Please correct this typographical error to Final Bond Release 7. (JAR)**

Please see the update narrative in Attachment X.

Sincerely,

THE FALKIRK MINING COMPANY



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