



# Public Service Commission

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*sent via email only*

January 27, 2026

Mr. Tanner Jochim  
Environmental Specialist  
Falkirk Mining Company  
P.O. Box 1087  
Underwood, ND 58576-1087  
tannert.jochim@nacoal.com

Dear Mr. Jochim:

The Reclamation Division has reviewed Falkirk Mining Company’s December 16, 2025 response to our December 3, 2025 technical review of the application for Bond Release 7 to Surface Coal Mining Permit NAFK-9601. The following items must be addressed prior to this office recommending Commission action.

### Table of Contents

1. To improve clarity, please consider including a hyper-link to the Post-Mining Land Use Map (page 345) in the Bookmarks of the pdf. Also, please depict Tracts 7A, 7B, and 7C of Bond Release 7 on this map to aid interpretation. (GAW)

### Attachment ii – General Information

2. Please include narrative in Attachment ii (General Information) that describes the prime farmland reclamation in the SE¼ of Section 36. Both pages 105 and 106 within Attachment IX (Production Data) contain a sentence stating that 2.8 acres of prime farmland are included in subtracts 7B-1 and 7B-2, but this prime farmland isn’t mentioned anywhere else in the bond release application. According to Section 2.8.1 (Soils and Prime Farmland Narrative) of Permit NAFK-9601, 2.77 acres of prime farmland in the SE¼ of Section 36 qualified for the prime farmland performance standards. The added narrative in Attachment ii should describe that this prime farmland was located within an area disturbed by mining but was subsequently reclaimed in an area of associated disturbance. (TLD/MLJ/GAW)
3. To improve clarity, please provide the reclaimed acreages of each land use in Tracts 7A, 7B, and 7C in Attachment ii (General Information) in a similar format to the table below. (GAW)

FBR 7 to NAFK-9601								
Acreage by Land Use								
Subtract	Cropland	Temp Wetland	Waterway	N. Grassland	Wetland	Road	Undisturbed	Total
7A	105.14	0.4	0	0	0	1.5	0.02	107.06
7B	84.45	0	1.1	0	21	0.8	53.22	160.57
7C	0	0	0	12.8	1.6	0.8	2.45	17.65
<b>Totals</b>	<b>189.59</b>	<b>0.4</b>	<b>1.1</b>	<b>12.8</b>	<b>22.6</b>	<b>3.1</b>	<b>55.69</b>	<b>285.28</b>

**Attachment VI – Topographic and SPGM Thickness Map**

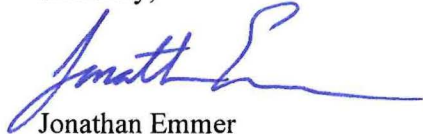
4. In addition to Item No. 2 above, please depict the reclaimed prime farmland in the SE¼ of Section 36 in Attachment VI (Topographic & SPGM Thickness Map). The Regraded Spoil Contour and SPGM Respread Thickness Map included on page 40 of Partial Bond Release 3 depicts this area as having a topsoil respread depth of 12 inches and a subsoil respread depth of 36 inches. (TLD/MLJ/GAW)

**Attachment VII – Reclamation History**

5. The table on page 79 within Attachment VII (Reclamation History) incorrectly indicates that portions of Tract 7B were included in Partial Bond Release No. 2. The Previous Partial Bond Release Map on page 86 correctly depicts that Tract 7B acreage was not included in Partial Bond Release No. 2. Please correct this error. (MLJ/GAW)

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)  
Jason Frye (jason.frye@nacoal.com)