



**APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS**
PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 10562 (1-2004)

Date
September 18, 2025

Name of Company, Corporation, Partnership, or Individual The Falkirk Mining Company	Permit Number NAFK-9503	Revision Number 39
Address 2801 1st Street SW	City Underwood	State ND Zip Code 58576

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised).

This revision addresses the pre-renewal review items for NAFK-9503 noted in the NDPSC's letter dated July 23, 2025. Updated information includes introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management. +

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
The Falkirk Mine	-0-				
ADDRESS					
2801 1st Street SW					
Underwood, ND 58576					
TOTAL ACRES	-0-				

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ -0-, is included with the revision application.

Name of Official Authorized to Represent the Applicant Jason Frye, Environmental Specialist
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I, the above named, certify that:

1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
2. Information and documentation contained in the permit application affirmatively demonstrate that:
 - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
 - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

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Revision application filed to update mining and reclamation plans for the next five-year permit term

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
- d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
- e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
- f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.

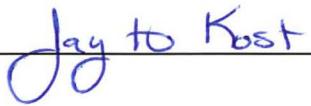
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and

4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

Signature of Official 	Title Environmental Specialist
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VERIFICATION

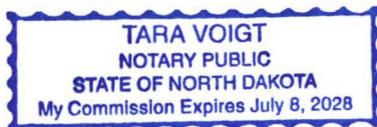
I, Jay H. Kost, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

Signature of Official 	Title President
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STATE OF North Dakota)
COUNTY OF McLean) ss.

Subscribed and Sworn before me, this 18th day of September, 2025.

(SEAL)




Tara Voigt
Notary Public

My Commission Expires: _____

FALKIRK MINE

September 18, 2025

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

RE: Revision 39, Renewal #6 Pre-renewal Review Responses to Permit NAFK-9503

Dear Mr. Emmer:

Falkirk submits the following responses to the pre-renewal review items noted in your July 23, 2025 letter to existing Permit NAFK-9503.

General

- 1. Please review and verify that, if any maps are updated in this revision/renewal application, the permit boundary reflects the five deletion tracts approved in Revision No. 37. (BSM)***

Please see the updated permit boundaries on the maps in Sections 2.1.2, 2.2.8, 2.2.9, 2.2.12, 2.2.13, 2.2.21, 2.2.22, 2.2.25a, 2.2.25b, 2.2.25c, 2.2.25d, 2.2.25e, 2.2.25f, 2.3.11a, 2.3.11b, 2.3.11c, 2.3.11d, 2.3.12, 2.3.13, 2.3.14, 2.3.15, 2.6.4, 2.8.3, 3.3.2 and 3.5.2.

Section 1.2.5 – Certification of Liability Insurance

- 2. Please update Section 1.2.5 (Certification of Liability Insurance) with the current certificate and its endorsement as required by NDCC 38-14.1-14(3) and NDAC 69-05.2-12-20. (BSM/JWE)***

The Certification of Liability Insurance was updated with the current certificate and endorsement in Revision 38.

Section 1.3 – Business Entity/Compliance Information

- 3. Please provide an updated Consolidated Legal Information Report covering Section 1.3.1 (Names of Officers, Directors, and Share Holders, and Organizational Structure), Sections 1.3.2 (Names of Other Mines), Section 1.3.3 (Current Permits and Permit Applications), and Section 1.3.4 (Permit Suspensions or Revocations, Including Pending Applications) referenced in Permit NAFK-9503 if there are any changes to ownership and control information, the list of current or previous coal mining permits held during the past five years, or the schedule of violation notices in the past three years since the most recent consolidated report. (WWS, BSM, PJR)***

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A separate, stand-alone document, "Consolidated Legal Information", is on file with the ND PSC, submitted by The North American Coal Corporation as of September 15, 2025 and will be updated prior to approval.

Section 1.3.5 – Other Licenses and Permits

- 4. Please update Section 1.3.5 (Other Licenses and Permits) as required by NDAC 69-05.2-06-04 if changes have occurred since updates were made with Revision No. 38. (BSM, TLD)**

No updated are required for Other Licenses and Permits in Section 1.3.5.

Section 1.5 – Identification of Interests and Rights of Entry

- 5. If necessary, please update the permit surface and coal ownership interests listed in Section 1.5.1 (Permit Area and Surface and Coal Interests) and Section 1.5.2 (Adjacent Surface and Coal Ownership and Leasehold Information). Any changes to either of these sections should also be reflected in Section 1.5.3 (Surface and Coal Ownership Map). (BSM, JAR, WWS, PJR, AAC)**

Please see updated Certificate of Authenticity of Documents, Section 1.5.1, Permit Area Surface and Coal Interests, Section 1.5.2, Adjacent Surface and Coal Interests, Section 1.5.3, Surface and Coal Ownership Map.

Section 2.1 – Cultural and Historic Resources

- 6. If there are any required updates to cultural resource studies, narratives, specific site location information or the map in Sections 2.1.1 – 2.1.4, please provide those updates at this time. (BSM, JAR)**

Please see the updated Cultural Resources Location Map to include the updated permit boundary. No other sections required updating.

Section 2.2 – Ground Water Hydrology

- 7. Please update the several maps in this section to depict progression of mining and the most current permit boundary. Having this information on the maps is important when reviewing drawdown and potentiometric surface data provided by the wells in your ground water monitoring plan. The last time the pit progression was updated on these maps was in 2020 and this should be updated at least every five years. (BSM)**

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Please see updates made to associated maps.

- 8. If any new or additional water supply wells or developed springs have been certified, or if any previously certified wells and springs have been re-certified, please update the various sections of the permit to provide that information, including the well and spring location maps, if required. (PJR, BSM)**

Please see updated Water Supply Well and Spring Information in Section 2.2.14.

- 9. If any ground water monitoring wells have been recently installed, re-surveyed or any ground water monitoring wells have been plugged, abandoned or mined through, please make the appropriate updates to the relevant portions of Section 2.2 in the permit, including applicable maps. (PJR, BSM)**

Please see updated Sections 2.2.6, 2.2.16, 2.2.20a, and 2.2.20b

Section 2.4 – Fish and Wildlife Resources

- 10. If necessary, please update Section 2.4.3 (Wildlife Monitoring Plan) if monitoring plans have been altered or changed, or if USFWS IPaC listed threatened, endangered, or proposed species have changed since approval of Revision 36. (AAC)**

Please see the updated Fish and Wildlife Management Plan in Section 2.4.2 and the updated Wildlife Monitoring Plan in Section 2.4.3.

Section 3.0 – Operations Plans - General

- 11. Please update, if necessary, Section 3.1 Operations Plan and the Pit Layout and Facilities Map in Section 3.1.5 to reflect any anticipated changes in the mining plan for the Riverdale mine area since the last revision as required by NDAC 69-05.2-09-02(3). Also update any other maps, plans, time schedules, stockpile locations, etc. that may be affected by any changes in the mining plan. (BSM, JAR, PJR)**

Please see the updated Operations Description narrative in Section 3.1.1 and the Pit Layout and Facilities Map in Section 3.1.5.

- 12. In Section 3.1.1 (Operations Description), please update the estimated number of acres to be disturbed for the next permit term if any changes have been made to the mining plan since approval of Revision No. 36. (BSM, TLD, AAC)**

Please see the updated Operations Description narrative in Section 3.1.1.

13. Please review and update Section 3.1.3 (Estimated and Total Production), to ensure the values listed accurately reflect for the next term of the permit as required by NDAC 69-05.2-09-01(1) and NDAC 69-05.2-09-01(2). (BSM, PJR, AAC)

Please see the updated Estimated and Total Production narrative in Section 3.1.3.

14. If necessary, please update Section 3.1.4 (List of Major Equipment) to reflect the major equipment currently being used as required by NDAC 69-05.2-09-01(1) and NDCC 38-14.1-14(1) (l). (BSM, JAR, PJR, AAC)

Please see the updated List of Major Equipment in Section 3.1.4.

15. Please review and update Section 3.1.6 (Extended Mining Plan), if notable changes have occurred since Revision No. 38 as required by NDAC 69-05.2-07-01. (BSM, JAR, PJR)

Please see the updated Extended Mining Plan in Section 3.1.6.

Section 3.3 – Blasting

16. Please review and verify that the list of parties in Section 3.3.1 (Blasting Plan) who receive the blasting notice, as well as the list of landowners located within one mile of the permit boundary who are notified of their right to a pre-blast survey and a copy of the blasting schedule, are accurate and up to date. (BSM)

Please see the updated Blasting Plan notices in Section 3.3.1. Also, see the updated Blasting Plan Map in Section 3.3.2 with the updated mine plan and permit boundary.

Section 3.5 – Operations – Transportation Facilities

17. Please review and update Section 3.5.1 (Transportation Narrative), Section 3.5.2 (Transportation Facilities Map), Section 3.5.20 (Road Relocation and Closing Plan Narrative), and Section 3.5.21 (Road Relocation and Closing Plan Map) accordingly for the next permit term. (BSM, JWE)

Please see the updated Road Relocation and Closing Plan narrative in Section 3.5.20 and the updated Road Relocation and Closing Plan Map in Section 3.5.21. Updated all haul roads and ramps along with any headerline changes.

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Section 3.6 – Operations – Surface Water Management

18. Please review and verify that Section 3.6.1d (Pond and Diversion Construction and Reclamation Schedule) is updated with the most current information. (JAR, BSM)

Section 3.6.1a, Total Water Management Plan Map has been updated with the most recent water management information. Section 3.6.1d, Pond and Diversion Construction and Reclamation Schedule has been updated with the most recent information.

Section 4.2 – Reclamation – General

19. If notable changes have been made to the mining plan since Revision No. 35, please update the Reclamation Schedule in Section 4.2.2 and the Grading Sequence Map in Section 4.2.3. (BSM, JAR, PJR, AAC)

No changes have been made.

20. Please review and update, if necessary, the stand-alone document regarding Section 4.2.4 (Reclamation Costs) to ensure the cost estimate amount is adequate for mining and reclamation planned during the next term of the permit. (BSM)

With Falkirk's current mine plan, the reclamation cost is adequate for the next permit term with pending Revision No. 42 to Permit NAFK-8705. If the mine plan changes in the future that would increase the reclamation cost during the next permit term for NAFK-9503, Falkirk will update the reclamation cost to reflect those changes.

Additional Updates:

1. Please see the updated Surface Water Features and Monitoring Sites Map in Section 2.6.4, the Surface Water Monitoring Plan in Section 2.6.7 and the Surface Water Monitoring Stations and Stage Discharge Curves in Section 2.6.8 to include the updates for surface water sites MS-12R and MS-23R.

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Sincerely,
THE FALKIRK MINING COMPANY

Jason Frye
Environmental Specialist

JF/tv

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

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