

FALKIRK MINE

October 28, 2025

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

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

Dear Mr. Emmer:

Falkirk submits the following responses to the completeness review items noted in your October 9, 2025 letter to existing Permit NAFK-9503.

Section 1.0 – Introductory, Legal, Financial, Compliance, and Related Information

- 1. Chad A. Winter is listed as a coal owner in Tract 6 in Section 1.2.4 (Newspaper Publication Notice), but Arthur E. Winter is listed as a coal owner in Section 1.5.3 (Surface and Coal Ownership Map). Please review each section and update as necessary to ensure correct ownership information. (JAR)**

Please see updated Section 1.5.3, Surface and Coal Ownership Map.

- 2. The coal ownership for Tract 35 lists the Merle T. and Eileen C. Zander Revocable Living Trust Dated 2-4-2018 in Section 1.2.4 (Newspaper Publication Notice) and it lists the Merle T. and Eileen C. Zander Revocable Living Trust Dated 12-4-2018 in Section 1.5.1 (Permit Area Surface and Coal Interest). Please review and revise Section 1.2.4 and or Section 1.5.1 to address the date discrepancy. (WWS/PJR)**

Please see updated Section 1.2.4, Newspaper Publication Notice.

- 3. Julie Slagg is listed as a coal owner in Tract 46 in Section 1.2.4 (Newspaper Publication Notice), but Julie Wagner is listed as a coal owner in Section 1.5.3 (Surface and Coal Ownership Map). Please review each section and update as necessary to ensure correct ownership information. (JAR/PJR)**

Please see updated Section 1.2.4, Newspaper Publication Notice.

- 4. The Falkirk Mining Company is listed as the surface owner for Tract 61 in Section 1.2.4 (Newspaper Publication Notice), but Dwight D. Gradin and Denise Gradin are listed as surface owners in Section 1.5.3 (Surface and Coal Ownership Map). Please review each section and update as necessary to ensure correct ownership information. (JAR)**

Please see updated Section 1.2.4, Newspaper Publication Notice.

5. ***Toby Lunstad is listed as a coal owner in Tract 74 in Section 1.2.4 (Newspaper Publication Notice), but Toby Tunstad is listed as a coal owner in Section 1.5.3 (Surface and Coal Ownership Map). Toby Tunstad appears to be a typographical error; please review each section and update as necessary to ensure correct ownership information. (JAR)***

Please see updated Section 1.5.3, Surface and Coal Ownership Map.

6. ***Kyle E. Grandin is not listed as a coal owner in Section 1.2.4 (Newspaper Publication Notice) for Tracts 77 and 78 but he is listed as a coal owner for these tracts in Section 1.5.3 (Surface and Coal Ownership Map). Please review each section and update as necessary to ensure correct ownership information. (JAR)***

Please see updated Section 1.2.4, Newspaper Publication Notice.

7. ***Dwight D. Grandin and Denise Grandin are listed as surface owners for Tract 78 in Section 1.2.4 (Newspaper Publication Notice), but Falkirk Mining Company is listed in Section 1.5.3 (Surface and Coal Ownership Map). Please review each section and update as necessary to ensure correct ownership information. (JAR)***

Please see updated Section 1.2.4, Newspaper Publication Notice.

8. ***The Falkirk Mining Company is not listed as a coal owner for Tract 144 in Section 1.5.3 (Surface and Coal Ownership Map) but they are listed as a coal owner in Section 1.2.4 (Newspaper Publication Notice). Also, Pauline M. Rosberg is listed as a coal owner for Tract 144 in Section 1.5.3 but is not listed as a coal owner in Section 1.2.4. Please review each section and update as necessary to ensure correct ownership information. (JAR/PJR)***

Please see updated Section 1.2.4, Newspaper Publication Notice.

9. ***With Revision No. 39 and Renewal No. 6, Falkirk is proposing the advancement of mining into the Riverdale West area beginning in 2028 and mining through the section line between Sections 1 and 12, T145N, R84W during the next term of the permit. Section 3.5.20 (The Road Location and Closing Plan Narrative) includes McLean County resolutions to conduct surface coal mining operations within 100 feet of this road and other roads but not actual coal removal. Section 3.5.21 (Road Relocation and Closing Plan Map) indicates that Falkirk is planning to close this section line in 2028 and to close other roads in the Riverdale West area in 2026. In addition, Section 3.1.5 (Pit Layout and Facilities Map) depicts the 101-dragline route crossing section lines between Sections 8 and 17, and 17 and 20, T145N, R83W, but***

McLean County has not authorized mining activities within 100 feet of these roads according to Section 3.5.21. Please review and update Section 1.2.4 (Newspaper Publication Notice) for compliance with NDAC 69-05.2-10-01(1)(d) during the next term of the permit, as determined necessary at this time. (GAW/BSM/PJR)

The section lines listed have had newspaper publications notices in previous permit revisions. This deficiency was discussed with PSC staff and was approved to be disregarded. The email correspondence was on October 16, 2025.

Section 3.0 – Operations Plan

- 10. In Section 3.1.5 (Pit Layout and Facilities Map), coal mining is depicted in the NW¼ of Section 12, T144N, R84W in 2028 and 2029. The NW¼ of Section 12 contains federal coal that is not leased by the Falkirk Mining Company. Please update Section 3.1.5 to remove mining from federal coal that is not leased. (AAC/PJR/JAR)**

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

- 11. Please review Section 3.5.20 (The Road Location and Closing Plan Narrative) pertaining to County Road 17 to ensure the information provided is current and correct. Language has been added to the Phase 1 and Phase 3 narratives regarding closure and temporary relocation between 2026 and 2028. It appears that these activities have already occurred, and it is not clear how Falkirk is planning to cross County Road 17 with a haul road to commence mining in the S½ of Section 2 in 2026. Please clarify if Falkirk is planning to move relocated County Road 17 back to its original location during the next term of the permit and clarify how Falkirk is planning to construct a haul road under, over, or through County Road 17 during the next term of the permit. (GAW/BSM)**

Please see the updated Road Location and Closing Plan Narrative in Section 3.5.20.

- 12. Please revise Section 3.1.5 (Pit Layout and Facilities Map) to show County Road 17 where it currently exists. Please also depict a haul road to the pits in the S½ of Section 2 in the Riverdale South Mine Area and to the pits in the NW¼ of Section 1 in the Riverdale West Mine Area. (GAW/BSM)**

Added County Road 17 current alignment and proposed road to County Road 17 crossing to mine area in Section 2 T144N, R82W.

- 13. Please update Section 3.5.30 (Deadhead Route Narrative) to provide information about Falkirk's plans for moving the 101-dragline from the Riverdale South Mine Area to the**

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Riverdale West Mine Area. Section 3.1.5 (Pit Layout and Facilities Map) indicates the 101-dragline will be used to open a pit in the Riverdale West Mine Area in 2029, during the next term of the permit. (GAW)

Please see the updated Deadhead Route Narrative in Section 3.5.30.

14. Please review and revise the narrative in Section 3.5.1 (Transportation Narrative) to clearly outline Falkirk's plans and schedule to maintain mining and reclamation activities west of the current County Road 17, as well as continued public access along County Road 17 within the next permit term. These plans should also include details regarding public input and County approval. (BSM)

Revised and added narrative on County Road 17 crossing and proposed mining road to get west of County Road 17. Added portion to narrative on the County approval process.

15. In order to improve clarity of mining progression, please revise Section 3.5.21 (Road Relocation and Closing Plan Map) to accurately depict the existing at-grade crossing, the existing County 20 Overpass, the current haul roads, and any proposed haul roads or additional at-grade crossings. (BSM)

Added all existing haulroads, at-grade crossing locations and County Road 20 Overpass.

Sincerely,
THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv