

## **FALKIRK MINE**

February 25, 2026

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

**RE: Revision 39, Renewal #6, Technical Review (2) Responses to Permit NAFK-9503**

Dear Mr. Emmer:

Falkirk submits the following responses to the technical review (2) items noted in your February 11, 2026 letter to existing Permit NAFK-9503.

### **Section 2.2.2 – Water Bearing Formations and Hydrogeology**

- 1. Section 2.2.21 (Current Monitoring Wells Location Map) indicates it was most recently revised on 09/09/25. Please revise the first sentence in the last paragraph on page 1 of Section 2.2.2 (Water Bearing Formations and Hydrogeology) to reflect this revision date depicted in Section 2.2.21. Also, please update the second sentence in the last paragraph on page 1 of Section 2.2.2 regarding the number of monitoring wells in the Riverdale Coal Field. (PJR)**

Please see the updated Section 2.2.2, Water Bearing Formations and Hydrogeology.

- 2. The second to last sentence in the second paragraph of the Ground Water Recharge subsection of Section 2.2.2 (Water Bearing Formations and Hydrogeology) appears to incorrectly state that the potentiometric maps referenced in the preceding narrative “were developed using water levels collected Fourth Quarter, 2009 and presented in Section 2.2.24” (Baseline Potentiometric Data). Each of these potentiometric maps indicate they were updated in September of 2025; however, each of the maps’ title blocks states, “(December, 2009 Water Levels)”, but the December 2009 water levels are not included in Section 2.2.24. Please address these discrepancies by revising the narrative in the second paragraph of Section 2.2.2 to accurately state what data were used for each potentiometric map since the current water levels depicted on the maps do not match those depicted in Section 2.2.24. Also, please update the title block for each map as necessary to align with the updated narrative in Section 2.2.2. (PJR/MLJ)**

Water levels from the 4<sup>th</sup> quarters of 2008 and 2009 were used for the different potentiometric maps. The maps and narrative have been updated to reflect the proper levels and dates. Also, the 2025 date on the map reflects the changes to the maps made relative to permit and mined out boundaries. The following map legends were changed: 2.2.25a, 2.2.25b, 2.2.25c, 2.2.25d, 2.2.25e, and 2.2.25f.

### **Section 3.1.5 – Pit Layout and Facilities Map**

- 3. The Reclamation Division approved Falkirk’s request to construct a subsoil pad for the relocation of Falkirk’s emulsion tank and explosive storage cabinets in the NE¼ Section 7, T145N, R82W on April 25, 2025. Please review and verify that Section 3.1.5 (Pit Layout and Facilities Map) depicts this storage area as well as the stripped topsoil that was to be stockpiled adjacent to this area. (BSM)***

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

- 4. Follow up to Item No. 11 of the July 23, 2025, pre-renewal review letter: A large overburden storage area is depicted on portions of Sections 1, 6, and 33 in the Riverdale South Mine Area in Section 3.1.5 (Pit Layout and Facilities Map). Please review the boundaries of this overburden storage area to ensure it is accurately depicted in Section 3.1.5. (GAW)***

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

### **Section 3.2.2 – Existing Structures Map**

- 5. Section 3.2.2 (Existing Structures Map) appears to contain a typographical error in the label for the Peterson Farmstead (40) in Sections 12 and 13. Please revise “Peteson” to “Peterson” in Section 3.2.2. (BSM)***

Please see the updated Existing Structures Map in Section 3.2.2.

### **Section 3.5.20 – Road Relocation and Closing Plan Narrative**

- 6. The narrative in Section 3.5.20 (Road Location and Closing Plan Narrative) uses inconsistent formatting when identifying locations by quarter section and section. Some sentences spell out “of Section,” while others list only the section number. To maintain consistency throughout the document, please consider revising Section 3.5.20 so that all locations consistently include “of Section.” For example, the first sentence of the first paragraph on page 3 states, “The portion of County Road 17 (Phase 1) located between Sections 28 and 29, and the NE1/4 32 and NW1/4 33, T145N, R83W was relocated approximately ½ to ¾ miles west to allow for the closure of the current alignment of County Road 17.” (BSM)***

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

7. **The at-grade crossing narrative on page 4 of Section 3.5.20 (Road Location and Closing Plan Narrative) has been revised to add the statement, "The construction of the at-grade crossing was approved by McLean County in October of 2025." Please further update Section 3.5.20 to include documentation demonstrating the approval of the at-grade crossing at County Road 17 in the SE¼ of Section 2 and the SW¼ of Section 1 by the McLean County Commission, including the Commission's findings. (BSM)**

Please see the McLean County approval letter for the at-grade crossing in Section 3.5.20.

### **Section 3.6 – Surface Water Management**

8. **The legend in Section 3.6.1a (Total Water Management Plan Map) contains a typographical error for the Minor Watershed Boundary. Please revise "COUNDARIES" to "BOUNDARIES" in the legend of Section 3.6.1a. (BSM)**

The typographical error in Section 3.6.1a Total Water Management Plan Map has been corrected.

9. **Diversion D-R15-01 is depicted in Section 3.6.1a (Total Water Management Plan Map), but it is not included in the "Diversion Construction and Reclamation Schedule" table in Section 3.6.1d (Pond and Diversion Construction and Reclamation Schedule). Please update the table in Section 3.6.1d to include D-R15-01. (BSM)**

Diversion D-R15-01 was reclaimed concurrent with sedimentation pond P-R15-01 reclamation. Consistent with Falkirk's past practices, it was removed from Section 3.6.1d Pond and Diversion Construction and Reclamation Schedule. However, Section 3.6.1a Total Water Management Plan Map was not updated to reflect that diversion D-R15-01, as well as the adjacent Field Engineered Diversion, were reclaimed. Section 3.6.1a Total Water Management Plan Map has been updated to show these diversions have been reclaimed.

Sincerely,  
THE FALKIRK MINING COMPANY



Jason Frye  
Environmental Specialist

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