



APPLICATION FOR RENEWAL OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS
 PUBLIC SERVICE COMMISSION
 RECLAMATION DIVISION
 SFN 10566 (1-2004)

Name of Permittee The Falkirk Mining Company		Date September 18, 2025	
Address 2801 1st Street SW		Permit Number NAFK-9503	State ND
City Underwood		Zip Code 58576	

The above named hereby makes application for Renewal Number 6 of the above Permit Number in order to continue to engage in surface coal mining and reclamation operations within the area described below in the permit during the period from April 17, 2026 to April 17, 2031.

The reasons for requesting the renewal is attached and any changes to the matters set forth in the approved Permit are particularly described in the accompanying revision application.

The applicable public notice provisions of Section 38-14.1-18 of the North Dakota Century Code have been complied with. A copy of the advertisement is attached and affidavits of publications will be furnished to the Commission prior to issuance of the Permit Renewal.

Bond for surface coal mining and reclamation operations and liability insurance will be provided for the proposed period of renewal. Attached is a statement evidencing that the bond is sufficient and will continue in full force for the renewal period and that liability insurance will be provided for the renewal period.

LOCATION				ACRES
SECTION	TOWNSHIP	RANGE	COUNTY	
		See the Attached	Description of Permit Area	
TOTAL ACRES				28,432.1

Signature of Official <i>Jason Frye</i>	Title Environmental Specialist
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VERIFICATION

Name of Official Jay H. Kost

I, the above named, being first and duly sworn, verify that the information contained in the Permit Renewal Application is true and correct to the best of my knowledge and belief.

Signature of Official <i>Jay H Kost</i>	Title President
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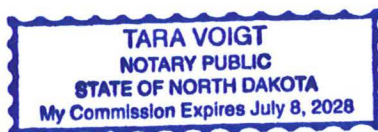
STATE OF North Dakota)
)ss.
 COUNTY OF McLean)

1 RC-25-255 Filed 09/18/2025 Pages: 8
 Renewal application to extend the permit term another five years, until April 17, 2031

Falkirk Mining Company
 Jason Frye

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

(SEAL)



Tara Voigt
 Notary Public

My Commission Expires: _____

Description of Permit Area in McLean County:

Sections 29, 30, 31 and 32, T146N, R83W

Section 36, T146N, R84W

Sections 7, 18, 19, and 30, T145N, R82W

Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36, T145N, R83W

Sections 1, 2, 12, and 13, T145N, R84W

Sections 4, 5, 6, 7, 9, T144N, R83W

Sections 1, 2, 3, 10, 11, and 12, T144N, R84W

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)***

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 updates 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)***

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) (I). (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.

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.

Mr. Jonathan Emmer
September 18, 2025
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Sincerely,
THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv