



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

sent via email only

December 9, 2025

Mr. Jason Frye
Environmental Specialist
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087
jason.frye@nacoal.com

Dear Mr. Frye:

The Reclamation Division has conducted a completeness review of the application for Revision No. 40 to Surface Coal Mining Permit NAFK-9503 at the Falkirk Mine. The following items must be adequately addressed before the application can be deemed complete and approval is granted for publication of the permit revision newspaper notice.

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

1. Section 1.2.4 (Newspaper Publication Notice) for Revision No. 40 does not specifically state that Falkirk plans to mine federal coal as part of the revision. Please add narrative to Section 1.2.4 to address Falkirk's plans for mining federal coal in the NW¼ of Section 12. (JAR)
2. Section 1.2.4 (Newspaper Publication Notice) for Revision No. 40 incorrectly references "Renewal and Revision" in the header and the paragraph starting with "A copy of the application for renewal and revision...". Please remove "renewal" from the notice header and from the narrative since this permit application is only a permit revision. (JAR/AAC/WWS/BSM)
3. As required by NDAC 69-05.2-10-01(1)(d), please revise Section 1.2.4 (Newspaper Publication Notice) for Revision No. 40 to include a concise statement describing relocating County Road 17 around the NW¼ of Section 12, specifically where relocation is to occur and its duration. Falkirk must obtain the necessary approvals from the authority with jurisdiction of the road prior to relocating, closing, or conducting surface mining operations within 100 feet of County Road 17 adjacent to the NW¼ of Section 12. Moreover, the Commission or the public road authority must determine that the interests of the public and affected landowners will be protected as required by NDAC 69-05.2-04-01.3(2). The Reclamation Division will need to prepare written findings for federal mine plan approval to mine federal coal subject to the prohibitions or limitations of NDCC 38-14.1-07 and NDAC 69-05.2-04-01.1 (GAW)
4. Section 3.5.21 (Road Relocation and Closing Plan Map) has been updated to depict a revised alignment for County Road 17, labeled as "Proposed Relocated County Road (Open 2026 to 2027 – Phase 3)" in the NW¼ of Section 32, T145N, R83W. However, neither the narrative in Section 1.2.4 (Newspaper Publication Notice) nor Section 1.2.4q (Newspaper Publication Reference Map, Revision 40) identifies or describes this proposed Phase 3 relocation of County Road 17. In

accordance with NDAC 69-05.2-10-01(1)(d), please review and revise Section 1.2.4 to include a narrative description of the proposed Phase 3 County 17 relocation, and update the map in Section 1.2.4q to clearly delineate its location. (BSM)

5. Falkirk is proposing to alter the timing of mining and reclamation activities in the Riverdale South Mine Area with the Revision No. 40 mine plan changes. Section 1.2.4 (Newspaper Publication Notice) for Revision No. 40 should state that mine plan changes are proposed in the Riverdale South Mine Area, and the surface and coal owners affected by the Revision No. 40 mine plan changes should be listed. It appears this would include the surface and coal owners of Tracts 92, 93, 95, 96, 102, 110, 111, 112, 146, 148, and 149 which are affected by Variance Areas F and M. Likewise, the Riverdale South Mine Area should be depicted in Section 1.2.4q (Newspaper Publication Reference Map, Revision 40), similar to Revision No. 35, to allow the public and landowners to understand the area affected. (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)
Tara Voigt (tara.voigt@nacoal.com)