

FALKIRK MINE

December 17, 2025

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

RE: Revision 40, Completeness Review Responses to Permit NAFK-9503

Dear Mr. Emmer:

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

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)**

Please see the updated Newspaper Publication Notice in Section 1.2.4.

- 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)**

Please see the updated Newspaper Publication Notice in Section 1.2.4.

- 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)**

Please see the updated Newspaper Publication Notice in Section 1.2.4.

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- 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)**

Please see the updated Newspaper Publication Notice in Section 1.2.4 and the updated Newspaper Publication Map in Section 1.2.4q.

- 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)**

Please see the updated Newspaper Publication Notice in Section 1.2.4. The narrative was updated to address the minor delays in coal removal in adjacent tracts. The tracts mentioned in this deficiency were left off the Newspaper Publication Map in Section 1.2.4q. This was decided after Falkirk's discussion with the PSC. Coal removal will only be delayed in the adjacent tracts by 1 to 2 years.

Additional Updates:

1. The surface and coal interest for tracts 96 and 149 were updated, along with the adjacent surface ownership in SW ¼ of Section 32, T145N, R83W. Sections 1.5.1, 1.5.2 and 1.5.3 were updated to reflect these changes.

Sincerely,
THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv

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

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