



Public Service Commission

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February 11, 2026

Mr. Jason Frye
Environmental Specialist
Falkirk Mining Company
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Dear Mr. Frye:

The Reclamation Division has conducted a technical 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 approved.

Section 1.3.5 – Other Licenses and Permits

1. Item No. 31, Temporary Water Use Permit ND2024-22669, in Section 1.3.5 (Other Licenses and Permits) expired on October 27, 2025. Please remove this item or update it accordingly. (BSM)

Section 2.3.7 - Lithologic and Geophysical Logs

2. Please update the footer on the first page of Section 2.3.7a (Lithologic Logs) and Section 2.3.7b (Geophysical Logs) to reflect the most recent update with Revision No. 40. All subsequent pages should remain unchanged with respect to the footer. (PJR)

Section 2.8 – Soil Resources

3. Please consider depicting the transition line between aeolian soils and glacial fluvial soils in Section 2.8.2b (Prime Farmland Map) to clarify if there is any prime farmland topsoil west of the line that cannot be mixed with non-prime farmland topsoil. A sentence in the first paragraph on page 6 of Section 2.8.1 (Soils and Prime Farmland Narrative) states that “Falkirk proposes to mix only those soils of glacio-fluvial derivation east of the line when reclaiming prime farmlands...” (GAW)

Section 3.1.5 – Pit Layout and Facilities Map

4. 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)

Section 3.5.20 – Road Relocation and Closing Plan Narrative

5. 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 $\frac{1}{2}$ to $\frac{3}{4}$ miles west to allow for the closure of the current alignment of County Road 17.” (BSM)

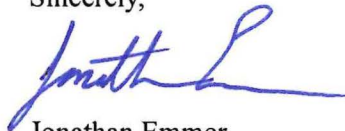
6. Please review and update the narrative for the at-grade crossing at SE $\frac{1}{4}$ of Section 2 and the SW $\frac{1}{4}$ of Section 1 in Section 3.5.20 (Road Location and Closing Plan Narrative) with the current status. Furthermore, please update Section 3.5.20 to include any McLean County Commission approvals, including the Commission’s findings. (BSM)
7. Please update the narrative in Section 3.5.20 (Road Location and Closing Plan Narrative) to incorporate the most recent updates made in response to the Reclamation Division’s second technical review for Revision No. 39 to Permit NAFK-9503. (BSM)

Section 4.2.2 – Reclamation Schedule

8. The size and location of Variance Area G are being revised with Revision No. 40, but the narrative in Section 4.2.2 (Reclamation Schedule) was not updated. Please review the Variance Area G narrative in Section 4.2.2 to ensure it accurately describes the timeline and provides suitable justification for delayed reclamation as authorized by NDAC 69-05.2-21-01(2). (GAW/WWS)
9. Please update Section 4.2.2 (Reclamation Schedule) to include a line break separating the beginning of the “Area A” narrative from the preceding paragraph. (BSM)
10. To maintain consistency with the other variance area narratives in Section 4.2.2 (Reclamation Schedule), please underline “Area M” at the beginning of the narrative. (BSM)
11. Please review and revise the years listed in the Reclamation Schedules Table in Section 4.2.2 (Reclamation Schedule) so they align with the updated pit layout years shown in Section 3.1.5 (Pit Layout and Facilities Map). (BSM)

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)