

FALKIRK MINE

August 20, 2026

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

RE: Revision 41, Completeness Review Responses to Permit NAFK-9503

Dear Mr. Emmer:

Falkirk submits the following responses to the completeness review items noted in your August 4, 2026 letter to existing Permit NAFK-9503.

Section 1.1.1 – Application Forms

- 1. Page 1 of the July 6, 2026, revised application form SFN 10562 lists the added acreage at 160.0 acres; however, Section 1.2.1 (Legal Description of Permit Area) indicates 159.5 acres are being added to the permit. Please revise the application form to list 159.5 acres to be consistent with Section 1.2.1. Also, please update Section 1.1.1 to include the revised application form. (BSM/MLJ)***

Please see updated Section 1.1.1. Application Forms.

Section 1.2.4 – Newspaper Publication Notice

- 2. Please update the coal ownership information for Tract 97 in Section 1.2.4 (Newspaper Publication Notice) as the notice incorrectly lists Richard D. Johnson, Ronald L. Johnson, Rhonda M. Johnson, Rodney Edwin Johnson, Robyn Smith, and the North Dakota Department of Trust Lands as remaindermen, not coal owners. (WWS)***

Please see the updated Newspaper Publication Notice in Section 1.2.4.

Section 1.4 – Surface Owner Protection Act Compliance Information

- 3. The pit layout depicted in Section 1.4.2h (Surface Owner Notification Map, Proposed Mining Operations) varies from Plate 3.1.5 (Pit Layout and Facilities Map). Please review and revise, as necessary, to ensure the proposed mining operations are consistent among Section 1.4.2h, Plate 3.1.5, and all applicable narratives and maps. (BSM)***

This deficiency was discussed with Monty Johnson on 4-18-26. Falkirk's Surface Owner Notification Map that was sent to the private land owners is slightly different in pit timing from the Pit Layout and

Facilities Map and other maps in the permit. This is due to the Surface Owner Notification map showing mining pits on the Federal Coal tracts and the Pit Layout and Facility Map not showing mining on Federal Coal. Variations in mining plans with and without the Federal Coal can lead to a slight variation in pit timing and planning. This Federal Coal is not leased and Falkirk cannot show mining on the Pit Layout map at this time, but makes the surface owner aware of the possibility of mining. If Falkirk receives the Federal lease, mining plans and pit timing will be updated and added to the permit. After discussions with Monty, the Surface Owner Notification Map does not need to be updated to exactly match the Pit Layout and Facilities Map and other maps in the permit.

Section 3.1.5 – Pit Layout and Facilities Map

- 4. Special condition one attached to the approval of Revision 20 stated that Falkirk is prohibited from placing overburden stockpiles on unleased federal coal tracts containing minable coal unless such stockpiles are specifically authorized by the Bureau of Land Management. According to Section 3.1.5 (Pit Layout and Facilities Map), an overburden pile is depicted above federal coal in Section 12, T145N, R84W. Please revise Section 3.1.5 at this time or during the technical review phase to comply with this special condition. (PJR/JWE)**

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

Section 3.2.2 – Existing Structures Map

- 5. Please update Section 3.2.2 (Existing Structures Map) to include the SW¼ of Section 32, T145N, R83W in Permit NAFK-9503. (GAW)**

Please see the existing structures map in Section 3.2.2.

Section 4.1.2 – Post-Mining Land Use Map

- 6. Please update the legend in Section 4.1.2 (Post-Mining Land Use Map) to include descriptions for the LS, TS, and D labels depicted on the map. (TLD)**

Please see the updated Post-Mining Land Use Map in Section 4.1.2.

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Additional Updates:

1. Falkirk updated the proposed county road 17 (phase 4) relocation. Updated sections include the Newspaper Publication Notice in Section 1.2.4, the Newspaper Publication Reference Map in Section 1.2.4r, the Road Relocation and Closing Plan Narrative in Section 3.5.20 and the Road Relocation and Closing Plan Map in Section 3.5.21.

Sincerely,
THE FALKIRK MINING COMPANY



Jason Frye
Environmental Supervisor

JF/tv