


**PUBLIC SERVICE COMMISSION
Reclamation Division**

MEMORANDUM

TO: Commissioners Kalk, Christmann, and Fedorchak
Darrell Nitschke, Executive Secretary
Illona Jeffcoat-Sacco

FROM:  Jim Deutsch, Dean Moos and Bruce Beechie

DATE: June 18, 2014

SUBJECT: Application for Revision No. 35 to Permit NAFK-8705 held by the Falkirk Mining Company, Case No. RC-14-114

On March 5, 2014, the Falkirk Mining Company submitted the application for Revision No. 35 to Surface Coal Mining Permit NAFK-8705 for its mine near Underwood, ND. This revision updates legal and ownership information, surface water management plans, revegetation sampling methods and standards, wildlife monitoring, and other mining operations and reclamation plans and schedules for the next five-year permit term. The Reclamation Division has completed its review of this revision and respectfully recommends that it be approved.

Revision No. 35 has no plans for coal removal in the permit during the next five-year permit term; however, reclamation of areas that were mined through 2010 is ongoing and will continue for many years and it is expected that coal removal activities will resume within the permit area by 2037. Falkirk's shop/office complex, coal handling facilities, and portions of the main haul roads are all located within the permit area and these facilities are used to support mining operations in other permit areas at the Falkirk Mine. The next permit term will expire on July 6, 2019.

Revision No. 35 was deemed a significant revision to Permit No. NAFK-8705 and was subject to the public notice requirements. Falkirk has submitted the affidavits of publication of the newspaper notice from the McLean County Independent and the Bismarck Tribune indicating that it was published four consecutive weeks beginning on April 24, 2014 and ending May 15, 2014. We also notified the appropriate agencies, affected landowners, and advisory committee members. We received no objections to this revision application.

The current bond amount is sufficient to cover the current estimated worst-case reclamation costs in the consolidated bond area that covers this permit and others at the Falkirk Mine at this time. However, a new worst-case cost estimate for the Consolidated Bond Area which includes areas within Permit NAFK-8705, is currently under review by the Reclamation Division as part of Revision No. 24 to Permit NAFK-9503. The bond amount will likely be increased prior to the approval of that revision.

Attached for your consideration is the proposed motion, revision approval form, and revision approval notice that we will publish in the appropriate newspapers.

Attachments

Minedata/Falkirk/Permits/NAFK-8705/Revisions/2014/Rev35_memo_6-18-14

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Public Service Commission Staff

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