

PUBLIC SERVICE COMMISSION
Reclamation Division

Memorandum

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

FROM: Jim ^{JK}Deutsch, Dean ^{DKM}Moos and Bruce ^{BJ}Johnson

DATE: March 16, 2016

SUBJECT: Application for Revision No. 35 to Permit No. NAFK-8405 held by
The Falkirk Mining Company, Case No. RC-15-709

On October 30, 2015, The Falkirk Mining Company filed the application for Revision No. 35 to Permit NAFK-8405. This revision identifies the next five-year coal removal subareas and addresses items identified by the Reclamation Division as requiring updating or modification during our pre-renewal review of the permit. This revision updated surface and coal ownership information, fish and wildlife monitoring and management plans, surface water information and monitoring plans, operation and reclamation plans and schedules. The Reclamation Division has completed its review of this revision application and respectfully recommends it be approved.

Falkirk applied for this revision and Renewal No.6 to this permit since mining will continue in the existing permit area for many years. The extended mine plan indicates that coal removal operations within this permit will continue until 2037.

This revision application was considered a significant revision application and was subject to the public notice requirements. Falkirk has submitted the affidavits of publication of the newspaper notices. We notified the appropriate agencies, affected landowners and the advisory committee members. We received no objections to this revision application; however, we received a letter from Denny Portra, a landowner and business owner within the permit area. Mr. Portra indicated that Falkirk did not have a valid lease for two small tracts he owned within the permit area. The Reclamation Division determined that there is a valid lease in the permit for the 2 tracts in question. In addition, Falkirk has committed to maintain a 500-foot setback around Mr. Portra's buildings. This information was conveyed to Mr. Portra in a letter dated February 2, 2016 and no further response was received from Mr. Portra.

Evidence of adequate performance bond and liability insurance are currently on file. Self and collateral bonds that total \$88,700,000 cover this permit and Permits NAFK-8705 and NAFK-9503 at the Falkirk Mine.

Attached for your consideration at the March 23 Commission meeting are the proposed motion, renewal approval form.

Attachments

Minedata/Falkirk/Permits/NAFK-8405/Revisions/No.35/Re35_memo_3-16-16