

**Public Service Commission  
Reclamation Division**

**Memorandum**

To: Commissioners Kroshus, Fedorchak, and Christmann  
Steve Kahl, Executive Secretary  
John Schuh, General Counsel

From: *DKM* *ZB* *BB*  
Dean Moos, Zanna Brinkman and Bruce Beechie

Date: July 27, 2020

Subject: Approval of Revision No. 40 to Permit No. NAFK-8405 held by Falkirk Mining Company, Case No. RC-20-39

On January 29, 2020, Falkirk Mining Company (Falkirk) filed the application for Revision No. 40 to Permit NAFK-8405 to revise the post-mining topography for a large portion of the remaining unmined areas within the permit, which will bring the permit area into a mass balance and takes into account the most current mine plans reflective of present mining conditions. Revision No. 40 also adds mining plans for the S1/2 of Section 2 in the permit. The S1/2 of Section 2 was previously permitted; however, Falkirk did not have the necessary coal leases to mine the entire tract prior to Revision 40. Falkirk Mining Company is the surface owner of the S1/2 of Section 2 and coal ownership is split among several private individuals. The revision also provides updates to the introductory, legal, financial, compliance, surface and coal ownership information, surface water hydrology, surface water management, operations plans, blasting information, transportation facilities, reclamation plans and schedules, post-mining land use and revegetation and wetlands sections. The Reclamation Division has completed its review of this revision application and respectfully recommends that it be approved.

Revision No. 40 was deemed a significant revision to Permit No. NAFK-8405 and was subject to the public notice requirements and Falkirk submitted affidavits of publication of the required newspaper notices. We notified the appropriate agencies and the affected permit area landowners of the revision application. We received no objections or requests for informal conferences on this revision application.

The Commission has determined, pursuant to NDAC 69-05.2-12-07 that the existing performance bond in the amount of \$88,700,000 that covers this permit and Permits NAFK-8705 and NAFK-9503 at the Falkirk Mine is sufficient for the proposed operations in Permit NAFK-8405 and for continuing operations within the other permit areas. Separately, Revision No. 31 to Permit NAFK-9503 was submitted to the Reclamation Division on May 11, 2020 and is now under review, which proposes to update the performance bond at Falkirk Mine that will incorporate updates to the performance bond for those permit areas at Falkirk.

A map of the permit area is attached. Also attached for your consideration at the August 5<sup>th</sup> Commission meeting are the proposed motion, revision approval form, and newspaper notice that we must publish following revision approval.

Attachments

Minedata/Falkirk/Permits/NAFK-8405/Revisions/No.40/Rev40\_Apprvl\_memo\_7-27-20

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Filed: 7/27/2020

Pages: 2

Public Service Commission Staff

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## NAFK-8405 Permit Area Map Revision No. 40 – Areas Affected by Topography Change

