

**Public Service Commission
Reclamation Division**

Memorandum

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

From: *DKM* *ZAB*
Dean Moos, Zanna Brinkman, and Jeff Roerick

Date: April 1, 2021

Subject: Application for Revision 33 to Permit No. NAFK-9503 held by The Falkirk Mining Company, Case No. RC-20-420

On October 6, 2020, The Falkirk Mining Company (Falkirk) filed the application for Revision No. 33 to Permit NAFK-9503. 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. Revision No. 33 updated the surface and coal ownership information, the wildlife monitoring plan, the description of ground water hydrology, and operation plans. Several maps were also updated to depict the revised permit boundary from Revision No. 32 which deleted 9.4 undisturbed acres from the permit.

Falkirk applied for this revision and the corresponding Renewal No. 5 to this permit since mining and reclamation operations will continue in the existing permit area for many years.

Revision No. 33 was considered a significant revision application and was subject to the public notice requirements of NDAC 69-05.2-10 and NDCC 38-14.1-18. Falkirk submitted the affidavits of publication of the newspaper notices. We notified the appropriate agencies, affected landowners and advisory committee members. We received no objections to this revision application.

Evidence of adequate performance bond and liability insurance are currently on file. Surety, self and collateral bonds that total \$99,450,000 cover this permit and Permits NAFK-8405 and NAFK-8705 at the Falkirk Mine.

Attached for your consideration at the April 1st Commission meeting are the proposed motion, revision approval form, and newspaper notice that must be published following revision approval.

Attachments

Falkirk Mine\Permits\NAFK - 9503\Revisions\Rev33_Ren5\Rev33_apprvl_memo_4-1-21