



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

sent via regular mail

June 8, 2022

Mr. Jeffrey Fleischman, Chief
Denver Field Division
Office of Surface Mining
PO Box 11018
150 East B Street
Casper, WY 82601
jfleischman@osmre.gov

Dear Mr. Fleischman:

Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit No. NAFK-8405 at the Falkirk Mine. This revision proposes to add 3,359.7 acres located in portions of Sections 1, 2, 3, and 5, T146N, R82W; and Sections 33, 34, 35, and 36 T147N, R82W, McLean County and will expand the permit area to the north for coal mining and support activities. The revision application revises the permit's introductory, legal, financial, compliance, environmental, operations, reclamation, and wetlands information for the area being added to the permit. The stand-alone Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

The area being added to the permit includes 320 acres of federal coal that is in the NW $\frac{1}{4}$ of Section 2 and the NE $\frac{1}{4}$ of Section 3 T146N, R82W. Currently, these tracts are being permitted for surface disturbance only. The surface of the federal coal area being added with Revision No. 42 is privately owned.

Enclosed is a DVD of the revision application for your agency's review. Please provide any written comments to us by **July 22, 2022**.

If you have any questions, please contact this office.

Sincerely,

for

Zanna Brinkman
Director
Reclamation Division

Enclosure

Falkirk Mine\Permits\NAFK - 8405\Revisions\No. 42\Advrsy_rvw_rqst_ltr_6-8-22



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Mr. Marcelo Calle
Program Support Division
Office of Surface Mining – Western Region
P.O. Box 25065
Lakewood, CO 80225-0065
mcalle@osmre.gov

Dear Mr. Calle:

Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit No. NAFK-8405 at the Falkirk Mine. This revision proposes to add 3,359.7 acres located in portions of Sections 1, 2, 3, and 5, T146N, R82W; and Sections 33, 34, 35, and 36 T147N, R82W, McLean County and will expand the permit area to the north for coal mining and support activities. The revision application revises the permit's introductory, legal, financial, compliance, environmental, operations, reclamation, and wetlands information for the area being added to the permit. The stand-alone Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

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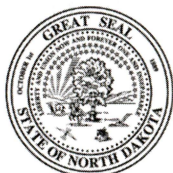
Sincerely,

for

Zanna Brinkman
Director
Reclamation Division

Enclosure

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Nathaniel Arave, Chief
Branch of Solid Minerals
Bureau of Land Management
5001 Southgate Drive
Billings, MT 59101
narave@blm.gov

Dear Mr. Arave:

Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit No. NAFK-8405 at the Falkirk Mine. This revision proposes to add 3,359.7 acres located in portions of Sections 1, 2, 3, and 5, T146N, R82W; and Sections 33, 34, 35, and 36 T147N, R82W, McLean County and will expand the permit area to the north for coal mining and support activities. The revision application revises the permit's introductory, legal, financial, compliance, environmental, operations, reclamation, and wetlands information for the area being added to the permit. The stand-alone Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

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Zanna Brinkman
Director
Reclamation Division



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Mr. Loren Wickstrom
Field Office Manager
Bureau of Land Management
ND Field Office
99 23rd Ave West, Suite A
Dickinson, ND 58601

Dear Mr. Wickstrom:

Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit No. NAFK-8405 at the Falkirk Mine. This revision proposes to add 3,359.7 acres located in portions of Sections 1, 2, 3, and 5, T146N, R82W; and Sections 33, 34, 35, and 36 T147N, R82W, McLean County and will expand the permit area to the north for coal mining and support activities. The revision application revises the permit's introductory, legal, financial, compliance, environmental, operations, reclamation, and wetlands information for the area being added to the permit. The stand-alone Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

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Sincerely,

for

Zanna Brinkman
Director
Reclamation Division

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Edward C. Murphy
State Geologist
North Dakota Geological Survey
600 East Boulevard Avenue
Bismarck, ND 58505-0840

Dear Mr. Murphy:

Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit No. NAFK-8405 at the Falkirk Mine. This revision proposes to add 3,359.7 acres located in portions of Sections 1, 2, 3, and 5, T146N, R82W; and Sections 33, 34, 35, and 36 T147N, R82W, McLean County and will expand the permit area to the north for coal mining and support activities. The revision application revises the permit's introductory, legal, financial, compliance, environmental, operations, reclamation, and wetlands information for the area being added to the permit. The stand-alone Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

A DVD of the permit revision application is enclosed for your agency's evaluation as an Advisory Committee member as stipulated by NDAC 69-05.2-10-01(2). Please review your agency's areas of responsibility and technical expertise for the revision application and reply with any comments by **July 22, 2022**.

Please contact our office with any questions.

Sincerely,

for

Zanna Brinkman
Director
Reclamation Division

Enclosure

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June 8, 2022

North Dakota Department of Water Resources
C/O Project Review
900 East Boulevard, Dept. 770
Bismarck, ND 58505-0850
dwrprojectreview@nd.gov

To whom it may concern:

Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit No. NAFK-8405 at the Falkirk Mine. This revision proposes to add 3,359.7 acres located in portions of Sections 1, 2, 3, and 5, T146N, R82W; and Sections 33, 34, 35, and 36 T147N, R82W, McLean County and will expand the permit area to the north for coal mining and support activities. The revision application revises the permit's introductory, legal, financial, compliance, environmental, operations, reclamation, and wetlands information for the area being added to the permit. The stand-alone Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

A DVD of the permit revision application is enclosed for your agency's evaluation as an Advisory Committee member as stipulated by NDAC 69-05.2-10-01(2). Also enclosed for your review is a DVD of the updated Underwood Coal Field Ground Water Hydrology document. Please review your agency's areas of responsibility and technical expertise for the revision application and ground water hydrology document and reply with any comments by **July 22, 2022**.

Please contact our office with any questions.

Sincerely,

for

Zanna Brinkman
Director
Reclamation Division

Enclosures

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June 8, 2022

David Glatt
Director
North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, ND 58503-1324

Dear Mr. Glatt:

Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit No. NAFK-8405 at the Falkirk Mine. This revision proposes to add 3,359.7 acres located in portions of Sections 1, 2, 3, and 5, T146N, R82W; and Sections 33, 34, 35, and 36 T147N, R82W, McLean County and will expand the permit area to the north for coal mining and support activities. The revision application revises the permit's introductory, legal, financial, compliance, environmental, operations, reclamation, and wetlands information for the area being added to the permit. The stand-alone Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

A DVD of the permit revision application is enclosed for your agency's evaluation as an Advisory Committee member as stipulated by NDAC 69-05.2-10-01(2). Also enclosed for your review is a DVD of the updated Underwood Coal Field Ground Water Hydrology document. Please review your agency's areas of responsibility and technical expertise for the revision application and ground water hydrology document and reply with any comments by **July 22, 2022**.

Please contact our office with any questions.

Sincerely,

for
Zanna Brinkman
Director
Reclamation Division

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Mr. Bill Peterson
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505

Dear Mr. Peterson:

Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit No. NAFK-8405 at the Falkirk Mine. This revision proposes to add 3,359.7 acres located in portions of Sections 1, 2, 3, and 5, T146N, R82W; and Sections 33, 34, 35, and 36 T147N, R82W, McLean County and will expand the permit area to the north for coal mining and support activities. The revision application revises the permit's introductory, legal, financial, compliance, environmental, operations, reclamation, and wetlands information for the area being added to the permit. The stand-alone Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

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Please contact our office with any questions.

Sincerely,

for

Zanna Brinkman
Director
Reclamation Division

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Jeb Williams, Director
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, ND 58501-5095

Dear Mr. Williams:

Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit No. NAFK-8405 at the Falkirk Mine. This revision proposes to add 3,359.7 acres located in portions of Sections 1, 2, 3, and 5, T146N, R82W; and Sections 33, 34, 35, and 36 T147N, R82W, McLean County and will expand the permit area to the north for coal mining and support activities. The revision application revises the permit's introductory, legal, financial, compliance, environmental, operations, reclamation, and wetlands information for the area being added to the permit. The stand-alone Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

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Please contact our office with any questions.

Sincerely,

for

Zanna Brinkman
Director
Reclamation Division

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Mr. Tom Claeys
State Forester
North Dakota Forest Service
307 1st Street East
Bottineau, ND 58318-1100

Dear Mr. Claeys:

Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit No. NAFK-8405 at the Falkirk Mine. This revision proposes to add 3,359.7 acres located in portions of Sections 1, 2, 3, and 5, T146N, R82W; and Sections 33, 34, 35, and 36 T147N, R82W, McLean County and will expand the permit area to the north for coal mining and support activities. The revision application revises the permit's introductory, legal, financial, compliance, environmental, operations, reclamation, and wetlands information for the area being added to the permit. The stand-alone Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

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Sincerely,

for

Zanna Brinkman
Director
Reclamation Division

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TDD: 800-366-6888 or 711

Sandra Schwede
State Soil Conservation
2718 Gateway Ave.
Suite 304
Bismarck, ND 58503

Dear Ms. Schwede:

Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit No. NAFK-8405 at the Falkirk Mine. This revision proposes to add 3,359.7 acres located in portions of Sections 1, 2, 3, and 5, T146N, R82W; and Sections 33, 34, 35, and 36 T147N, R82W, McLean County and will expand the permit area to the north for coal mining and support activities. The revision application revises the permit's introductory, legal, financial, compliance, environmental, operations, reclamation, and wetlands information for the area being added to the permit. The stand-alone Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

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Please contact our office with any questions.

Sincerely,

for

Zanna Brinkman
Director
Reclamation Division

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Mary E. Podoll
State Conservationist
Natural Resources Conservation Service
220 East Rosser Avenue
PO Box 1458
Bismarck, ND 58502-1458

Dear Ms. Podoll:

Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit No. NAFK-8405 at the Falkirk Mine. This revision proposes to add 3,359.7 acres located in portions of Sections 1, 2, 3, and 5, T146N, R82W; and Sections 33, 34, 35, and 36 T147N, R82W, McLean County and will expand the permit area to the north for coal mining and support activities. The revision application revises the permit's introductory, legal, financial, compliance, environmental, operations, reclamation, and wetlands information for the area being added to the permit. The stand-alone Ground Water Hydrology and Reclamation Bond/Cost sections have also been updated with this revision.

A DVD of the permit revision application is enclosed for your agency's evaluation as an Advisory Committee member as stipulated by NDAC 69-05.2-10-01(2). Please review the permit revision application and reply by **July 22, 2022** with any comments or concerns regarding prime farmland and proposed prime farmland reclamation plans for the area being added to the permit. If the proposed prime farmland reclamation plan is adequate, please provide a written confirmation. Soil resources and prime farmland information and reclamation plans are provided in Section 2.8 of the permit. Please contact us with any questions.

Sincerely,

for
Zanna Brinkman
Director
Reclamation Division

Enclosure

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Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

sent via regular mail

June 9, 2022

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
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Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Mr. Drew Becker
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, North Dakota 58501-7926

Dear Mr. Becker:

The Reclamation Division has received Revision Application No. 42 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine and determined the application to be administratively complete. Revision No. 42 proposes to add 3,359.7 acres of private and state-owned land to the permit. This property is in the N $\frac{1}{2}$ of Section 1, N $\frac{1}{2}$ of Section 2, N $\frac{1}{2}$ of Section 3, NE $\frac{1}{4}$ and W $\frac{1}{2}$ of Section 5 in T146N, R82W; and the E $\frac{1}{2}$ of Section 33, S $\frac{1}{2}$ of Section 34, Section 35 and Section 36 in T147N, R82W, Mclean County.


The Reclamation Division is in the process of conducting a technical review of the Revision application and, prior to approval, will need to make a finding about whether mining activities will jeopardize or adversely affect the continued existence of proposed, threatened, or endangered species; or proposed or designated critical habitat. At this time, we do not believe the proposed surface coal mining and reclamation operations will jeopardize or adversely affect the continued existence of any currently listed threatened or endangered species or species proposed for listing, or any proposed or designated critical habitat. Our finding will utilize the May 2021 Biological Assessment (BA) completed by SWCA Environmental Consultants for the Bureau of Land Management (BLM) and Office of Surface Mining Reclamation and Enforcement (OSMRE)) for 800 acres of federal coal at the Falkirk Mine. This BA determined that the project would have no effect on the Dakota skipper, rufa red knot, or piping plover and that it may affect, but is not likely to adversely affect, the northern long-eared bat, whooping crane, or the pallid sturgeon.

A DVD of the revision application is enclosed for your review. The mine plan is depicted on the Pit Layout and Facilities Map, Section 3.1.5, and the Fish and Wildlife Resource information is in Section 2.4 of the permit. Pre-mining land use and vegetation information is in Section 2.7 of the permit. Figure 1, attached, is being provided to help you realize where the revision addition area is located.

Please review the proposed mining/reclamation plans and let us know by **July 22, 2022** if your office has any concerns related to proposed, threatened, or endangered species; or designated or proposed critical habitat.

If you have any questions, please contact Guy Welch at 701-328-2298 or gwelch@nd.gov.

Sincerely,


Zanna Brinkman
for Director
Reclamation Division

Enclosure

Figure 1: Revision 42 Addition Area

