



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

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 email only

August 10, 2023

Mr. Jason Frye
Environmental Specialist
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087
Jason.frye@nacoal.com

Dear Mr. Frye:

The Reclamation Division has conducted a completeness review of the application for Revision No. 35 to Surface Coal Mining Permit NAFK-9503 submitted on May 12, 2023. Revision No. 35 has been determined to be a significant revision and is therefore subject to the notice, hearing, and procedural requirements. The following items must be addressed prior to the revision being deemed complete:

Section 1.0 – Introductory, Legal, Financial, Compliance, and Related Information

1. Item No. 37 of Section 1.1.3 (Revision Lists of Changes) for Revision 35 states that pages 1-3 of Section 3.5.20 (Road Relocation and Closing Plan Narrative) were updated. However, it appears that redlined changes were only completed on page 3 of Section 3.5.20. Please address this discrepancy by updating Section 1.1.3 or provide redlines to pages 1 and 2 of Section 3.5.20 if changes were made. (MLJ)
2. Please revise the public notice (Section 1.2.4) to clearly state that the revision proposes changes to the approved timing and sequence of mining. This could be accomplished by revising the first sentence of the first paragraph to state that “The Falkirk Mining Company, P.O. Box 1087, Underwood, ND 58576, has filed an application (Revision No. 35) to Permit NAFK-9503 to change the timing and sequence of mining and to revise the post-mining topography for a large portion of the unmined areas within the permit.” Please also revise the second to last sentence of the first paragraph to clearly state that the SW¼ of Section 32 is being removed from the permit. This could be accomplished by revising the sentence to “This permit revision also removes 159.6 acres of undisturbed land from the permit located in its entirety in the SW¼ of Section 32, T145N, R83W.” (GAW, BSM)
3. Section 1.5.3 (Surface and Coal Ownership Map) for Tract 145 identifies Joseph F. Heesacker under Coal Ownership, after Nancy Bridges, as a co-trustee or the successor trustee of the Nancy J. Bridges Trust dated 11-15-11. However, the Newspaper Publication Notice (Section 1.2.4) for Tract 145 identifies Jennifer Anne Barber, after Nancy Bridges, under Coal Ownership. Please review the Newspaper Publication Notice for Tract 145 and revise accordingly. (JAR)

Mr. Jason Frye
August 10, 2023
Page 2 of 2

4. Section 1.2.4 (Newspaper Publication Notice) for Tract 181 identifies Audrey M. Crum and Clark Crum under Coal Ownership, but the Surface and Coal Ownership Map (Section 1.5.3) does not include Clark Crum under Coal Ownership. Please review the Newspaper Publication Notice for Tract 181 and revise accordingly. (JAR)

Section 4.1 – Post-Mining Land Use and Revegetation


5. The first sentence of the second paragraph on page 10 of Section 4.1.1 (Post-Mining Land Use Narrative) states that Revision 35 was submitted in April 2023. Please revise this to state that Revision 35 was submitted in May 2023. (MLJ)

Section 5.2 – Post-Mining Wetlands

6. The first sentence of the last paragraph on page 2 of Section 5.2.1 (Post-Mining Wetlands Design Narrative) states that Revision 35 was submitted in April 2023. Please revise this to state that Revision 35 was submitted in May 2023. (MLJ)

If you have any questions, please contact this office.

Sincerely,



for

Zanna Brinkman
Director
Reclamation Division

cc via email only: Steve Burke (steve.burke@nacoal.com)