

PUBLIC SERVICE COMMISSION
Reclamation Division

MEMORANDUM

TO: Commissioners Christmann, Haugen-Hoffart, and Fedorchak
Steve Kahl, Executive Director
John Schuh, General Counsel

FROM: ^{JE} Jonathan Emmer, ^{MT} Monty Johnson, and ^{JR} Jeff Roerick

DATE: May 10, 2024

SUBJECT: Application for Revision No. 41 to Permit No. NAFK-8705 held by The Falkirk Mining Company, Case No. RC-23-351

On December 5, 2023, The Falkirk Mining Company (Falkirk) filed the application for Revision No. 41 to Surface Coal Mining Permit NAFK-8705. Revision No. 41 updates the legal, business and compliance information, identification of interests and right to entry, operation plans, surface water management, reclamation plans, and wetland design details for the next permit term. The Reclamation Division has completed its review of this revision application and respectfully recommends that it be approved.

Revision No. 41 has no plans for coal removal in the permit during the next five-year permit term. Falkirk applied for this revision and the corresponding Renewal No. 7 to this permit since mining is scheduled to resume in 2040 as shown on the extended mining plan map in the permit, and this permit area is used to support mining in other permit areas. Falkirk's shop/office complex, coal handling facilities, and portions of the main haulroads are all located within this permit.

Revision No. 41 was deemed a significant revision to Permit No. NAFK-8705 and was subject to the public notice requirements. Falkirk submitted affidavits of publication for the required newspaper notices that were published for four consecutive weeks in the McLean County Independent and the Bismarck Tribune. We notified the appropriate agencies and the permit area landowners of the revision application. We received no objections or requests for informal conferences for this revision application.

The existing performance bond amount of \$114,823,633 is sufficient to cover the estimated worst-case reclamation costs in the consolidated bond area that includes this permit and others at the Falkirk Mine.

Attached for your consideration are the proposed motion, revision approval form, and revision approval notice that we will publish in the appropriate newspapers.

Attachments

Falkirk Mine\Permits\NAFK - 8705\Revisions & Renewals\Rev41_Ren7\Rev41_apprvl_memo_5-10-24