



Public Service Commission

State of North Dakota

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January 17, 2024

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 applications for Revision No. 41 and Renewal No. 7 to Permit NAFK-8705 at the Falkirk Mine. The revision is in response to the Reclamation Division's pre-renewal review letter for Permit NAFK-8705 dated October 24, 2023. The following items must be adequately addressed before the applications can be deemed complete and approval can be granted to begin publication of the permit revision and renewal newspaper notice.

General

1. Please review and revise all relevant maps throughout the permit to account for the approval of Final Bond Release No. 6 (FBR#6). The maps to be updated can be limited to the maps being revised for Revision No. 41 and Renewal No. 7 as noted in the list of changes in Section 1.1.3 (Revision Instruction Lists). (PJR/MLJ/JAR/BSM)

Section 1.1.1 – Application Forms

2. Please update the Renewal 7 application form by removing Section 36 to account for the approval of FBR#6. (PJR)

Section 1.1.3 – Revision Instruction Lists

3. Please provide some level of context describing the changes regarding the maps in Item No. 14 and 17 on page 318 in Section 1.1.3 (Revision Instruction Lists). For example, generally describe the changes being proposed and their location. (PJR)

Section 1.2 – Legal Information

4. Please update the metes and bounds description and map in Section 1.2.1 (Legal Description of Permit Area) and Section 1.2.2 (Metes and Bounds Description Map) to account for the approval of FBR#6. (JAR/PJR/BSM)

5. Follow-up to Item No. 1 of the October 24, 2023 pre-renewal review letter: If available, please consider updating Section 1.2.5 (Certification of Liability Insurance). The current Certificate of Liability Insurance expires on 2/1/2024. (JAR)

Section 1.2.4 – Newspaper Publication Notice

6. Please revise the narrative of Section 1.2.4 (Newspaper Publication Notice) by updating the permitted acreage and removing the reference to Section 36, T146N, R83W to account for the approval of FBR#6. (JAR/PJR/BSM)
7. Please update the surface and coal ownership list found in Section 1.2.4 (Newspaper Publication Notice) by removing the tracts that are no longer in the permit area due to the approval of FBR#6 (MLJ).
8. Tract 26 identifies Macy J Schafer under coal ownership in Section 1.2.4 (Newspaper Publication Notice), but Marcy J. Schafer is identified in Section 1.5.3 (Surface & Coal Ownership Map). Please review and revise accordingly. (JAR)
9. Tract 57 identifies Patricia Borden Mossier under coal ownership in Section 1.2.4 (Newspaper Publication Notice), but Patricia Borden Mosier is identified in Section 1.5.3 (Surface & Coal Ownership Map). Please review and revise accordingly. (JAR)
10. Please add a statement to the narrative of Section 1.2.4 (Newspaper Publication Notice) that states there will be no coal removal areas during the next 5-year permit term, but coal removal is planned in the future. (PJR)
11. Please update the Newspaper Publication Reference Map in Section 1.2.4t (Newspaper Publication Map, Revision 41, Renewal 7) to account for the permit boundary changes associated with FBR# 6. (PJR)

Section 1.3.5 – Other Licenses and Permits

12. Follow-up to Item No. 3 of the October 24, 2023 pre-renewal review letter: Please update the address for all permits in Section 1.3.5 (Other Licenses and Permits) from the North Dakota Department of Water Resources from “900 East Boulevard Avenue Bismarck, ND 58505” to its current address of “1200 Memorial Highway, Dept 770, Bismarck, ND 58504”. (BSM)

Section 1.5 – Identification of Interests and Rights of Entry

13. Follow-up to Item No. 4 of the October 24, 2023 pre-renewal review letter: Please update the surface and coal ownership interests listed in Sections 1.5.1 (Permit Area Surface and Coal Interests) and 1.5.2 (Adjacent Surface and Coal Ownership and Leasehold Information) to account for the approval of FBR#6. Any changes to these sections should be reflected in Section 1.5.3 (Surface and Coal Ownership Map). (MLJ)

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Section 3.6.1 – Surface Water Management

14. Follow-up to Item No. 10 of the October 24, 2023 pre-renewal review letter: For historical reference, please retain pond construction and reclamation information on Table 1 (Pond Construction and Reclamation Schedule) in Section 3.6.1 (Surface Water Management Plan). (JAR/PJR)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

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