



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 and regular mail

February 23, 2024

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:

Enclosed is a flash drive containing the applications for Revision No. 41 and Renewal No. 7 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company. Revision 41 updates various sections of the permit including the legal and financial, business and compliance information, identification of interest and rights of entry, operation plans, surface water management, reclamation plans, and wetland design details for the next five-year permit term. Renewal No. 7 will extend the permit term until July 6, 2029. No coal removal will occur in this permit during the next permit term; but coal removal is projected to resume from this permit area in 2040. This permit contains federal coal; however, the Reclamation Division received an email from Erica Trent (OSMRE) on February 21, 2024 that stated Revision No. 41 to Permit NAFK-8705 does not meet the criteria of CFR 746.18(d) and therefore does not constitute a mine plan modification.

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosure

cc via email only: John Sieving (jsieving@osmre.gov)

Falkirk Mine\Permits\NAFK - 8705\Revisions & Renewals\Rev41_Ren7\Rev41_Ren7_Ntc_Ltr_2-23-24



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Ms. Elizabeth Shaeffer
Field Operations Manager
P.O. Box 25065
Denver, CO 80225-0065
eshaeffer@osmre.gov

Dear Mr. Shaeffer:

Enclosed is a flash drive containing the applications for Revision No. 41 and Renewal No. 7 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company. Revision 41 updates various sections of the permit including the legal and financial, business and compliance information, identification of interest and rights of entry, operation plans, surface water management, reclamation plans, and wetland design details for the next five-year permit term. Renewal No. 7 will extend the permit term until July 6, 2029. No coal removal will occur in this permit during the next permit term; but coal removal is projected to resume from this permit area in 2040. This permit contains federal coal; however, the Reclamation Division received an email from Erica Trent (OSMRE) on February 21, 2024 that stated Revision No. 41 to Permit NAFK-8705 does not meet the criteria of CFR 746.18(d) and therefore does not constitute a mine plan modification.

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosure

cc via email only: Erica Trent (etrent@osmre.gov)

Falkirk Mine\Permits\NAFK - 8705\Revisions & Renewals\Rev41_Ren7\Rev41_Ren7_Ntc_Ltr_2-23-24



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Josh Alexander
Bureau of Land Management
Billings Field Office
Eastern Montana Dakotas District Office
5001 Southgate Dr.
Billings, MT 59101
jalexand@blm.gov

Dear Mr. Alexander:

Enclosed is a flash drive containing the applications for Revision No. 41 and Renewal No. 7 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company. Revision 41 updates various sections of the permit including the legal and financial, business and compliance information, identification of interest and rights of entry, operation plans, surface water management, reclamation plans, and wetland design details for the next five-year permit term. Renewal No. 7 will extend the permit term until July 6, 2029. No coal removal will occur in this permit during the next permit term; but coal removal is projected to resume from this permit area in 2040. This permit contains federal coal; however, the Reclamation Division received an email from Erica Trent (OSMRE) on February 21, 2024 that stated Revision No. 41 to Permit NAFK-8705 does not meet the criteria of CFR 746.18(d) and therefore does not constitute a mine plan modification.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

Enclosure

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Mr. Edward Kraft
Field Office Manager
Bureau of Land Management
ND Field Office
99 23rd Avenue West, Suite A
Dickinson, ND 58601
ekraft@blm.gov

Dear Mr. Kraft:

Enclosed is a flash drive containing the applications for Revision No. 41 and Renewal No. 7 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company. Revision 41 updates various sections of the permit including the legal and financial, business and compliance information, identification of interest and rights of entry, operation plans, surface water management, reclamation plans, and wetland design details for the next five-year permit term. Renewal No. 7 will extend the permit term until July 6, 2029. No coal removal will occur in this permit during the next permit term; but coal removal is projected to resume from this permit area in 2040. This permit contains federal coal; however, the Reclamation Division received an email from Erica Trent (OSMRE) on February 21, 2024 that stated Revision No. 41 to Permit NAFK-8705 does not meet the criteria of CFR 746.18(d) and therefore does not constitute a mine plan modification.

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Sincerely,

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Jonathan Emmer
Director
Reclamation Division

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