

PUBLIC SERVICE COMMISSION
Reclamation Division

MEMORANDUM

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

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

Date: May 10, 2024

Subject: Application for Renewal No. 7 to Permit No. NAFK-8705 held by The Falkirk Mining Company, Case No. RC-23-352

On December 5, 2023, The Falkirk Mining Company (Falkirk) filed the application for Renewal No. 7 to Permit NAFK-8705 to continue mining and reclamation operations in all or portions of Sections 3, 4, 5, 6, 8, and 9 of T145N, R82W; Sections 19, 27, 28, 29, 30, 31, 32, 33, and 34 of T146N, R82W; and Sections 22, 23, 24, 25, 26, 27, and 35 of T146N, R83W, in McLean County, North Dakota, containing 9,843.4 acres. The Reclamation Division has completed its review of this five-year permit renewal application and respectfully recommends that it be approved.

The Falkirk Mining Company applied for this renewal to continue mining and reclamation operations in Permit NAFK-8705. Coal recovery from this permit was suspended in 2010 but is planned to resume in 2040. This permit area also contains many of Falkirk's long-term facilities including the shop/office complex, coal handling facilities, and portions of the main haul roads. Mining and reclamation plans and other information were updated for the next permit term with Revision 41 that was submitted with the renewal application.

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 renewal application. We received no objections or requests for informal conferences for this renewal 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 and renewal approval form. A map of the permit area is included below.

Attachments

NAFK-8705 Permit Area Map

