

**PUBLIC SERVICE COMMISSION**

Reclamation Division

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Memorandum

To: Commissioners - Christmann, Haugen-Hoffart, and Kringstad  
Brian Johnson - General Counsel  
Steve Kahl - Executive Director

From: *JE* Jonathan Emmer, *MJ* Monty Johnson, and *PR* Preston Ripplinger

Date: May 12, 2025

Subject: Application for Revision No. 38 to Permit No. NAFK-9503 held by the Falkirk Mining Company, Case No. RC-25-77

On February 19, 2025, Falkirk Mining Company filed the application for Revision No. 38 to Permit NAFK-9503. Revision 38 adds mining plans on land owned by Falkirk in the E½ of the NW¼ of Section 32, T145N, R83W, and updates the permit's introductory, legal, financial, compliance, surface and coal ownership information, and the operation plans. The Reclamation Division has completed its review of this revision application and respectfully recommends that it be approved.

Revision 38 was deemed a significant revision to Permit No. NAFK-9503 and was subject to the public notice requirements. Falkirk submitted affidavits of publication showing that the newspaper notice was published in the McLean County Independent and the Bismarck Tribune for four consecutive weeks in both newspapers. We notified the appropriate agencies and the permit area landowners of the revision application. We received no objections or requests for informal conferences on this revision application.

No monetary bond adjustment is necessary due to this revision. Pursuant to NDAC 69-05.2-12-07, the Commission has determined that the total amount of existing bonds, \$114,823,633.00, which covers the consolidated bond area including Permits NAFK-8705, NAFK-8405, and NAFK-9503 at the Falkirk Mine is sufficient for the proposed operations in Permit NAFK-9503 and for continuing operations within the other permit areas.

Special Condition No. 4 is being added to Permit NAFK-9503, which states that the Falkirk Mining Company must provide copies to the Commission of the road authority's approval documents to close or relocate any public road and other approval documents to conduct surface coal mining activities within one hundred feet of the outside right-of-way of any public road as required by NDAC 69-05.2-04-01.3(4). These documents must be provided to the Commission within thirty days from the road authority's approval date and include the written findings made by the road authority.

Attached for your consideration at the May 23<sup>rd</sup> Commission meeting are the proposed motion, revision approval form, special condition, and newspaper notice that we must publish following revision approval.

Attachments

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 38\Rev38\_apprvl\_memo\_5-12-25

**Figure 1**  
**Revision No. 38 Newspaper Publication Reference Map**

