

**Public Service Commission
Reclamation Division**

Memorandum

TO: Commissioners Christmann, Haugen-Hoffart, and Kringstad
Brian Johnson, Executive Director
Chris Martens, General Counsel

FROM: ^{JE} Jonathan Emmer, ^{MT} Monty Johnson, and ^{BM} Brandon Myran

DATE: September 14, 2026

SUBJECT: Approval for Revision No. 42 to Permit No. NAFK-8705 held by Falkirk Mining Company, Case No. RC-25-184

On May 7, 2025, Falkirk Mining Company (Falkirk) filed the application for Revision 42 to Permit NAFK-8705. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedules, post-mining topography, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision. The Reclamation Division has completed its review of this revision application and respectfully recommends that it be approved.

Revision 42 was deemed a significant revision to Permit NAFK-8705 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. **Figure 1** highlights the areas within the permit affected by the revision. We notified the appropriate agencies and the permit area landowners of the revision application, and we received no objections or requests for informal conferences on this revision application.

As required by Revision 42, the worst-case reclamation cost estimate for the consolidated bond area at Falkirk was updated that includes Permits NAFK-8405, NAFK-9503, and NAFK-8705. The updated worst-case reclamation cost estimate submitted with Revision No. 42 proposed a minimum bond amount of \$127,585,118 for the consolidated bond area. Falkirk's current bonding instruments for this consolidated bond area total \$130,000,000, and the Reclamation Division has determined under NDAC 69-05.2-12-07 that this amount is sufficient for the proposed operations in Permit NAFK-8405 and for continuing operations in the other permit areas.

Attached for your consideration at the September 23, 2026, Commission meeting are the proposed motion, revision approval form, and newspaper notice that we must publish following revision approval.

Attachments

Falkirk Mine\Permits\NAFK - 8705\Revisions\No. 42\Rev42_apprvl_memo_9-14-26

Figure 1
Revision No. 42 Newspaper Publication Reference Map

