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## Falkirk Rev 45 Rn 8 No MPDD

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Date Tue 1/6/2026 1:24 PM

To Emmer, Jonathan W. <jemmer@nd.gov>

Cc Johnson, Monty L. <moljohnson@nd.gov>; Swenson, Warren <swensonwarren@nd.gov>

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Good afternoon Jonathan,

A mining plan approval from the Assistant Secretary of Land and Minerals Management is *not required* for the revision for the Falkirk Mining Company's Falkirk Mine Revision No.45 and Renewal 8 to Permit NAFK-8405.

### **Determination Criteria and Decision:**

Based on OSMRE's review of the materials submitted OSMRE has determined that the proposed amendment does *not* constitute a mining plan modification requiring approval by the ASLM. The OSMRE has considered the criteria described in the Federal regulations at 30 CFR 746.18(d)(1) through (d)(6) defining when a permit revision constitutes a mining plan modification:

1. There is no change in the mining plan that would affect the conditions of its approval pursuant to Federal law or regulation. See 30 C.F.R. Part 746.18(d)(1).
2. No change would occur that would affect the level of protection to land, facilities and places designated unsuitable for mining because the area is designated as suitable for mining. See 30 C.F.R. Part 746.18(d)(2).
3. There is no change in the amount of coal to be mined on a Federal coal tract. See C.F.R. Part 746.18(d)(3).
4. The significant revision would not extend mining and reclamation activities onto leased Federal coal for the first time. See 30 C.F.R. Part 746.18(d)(4).
5. This revision does not meet OSMRE's standards (516 DM 13.4) of a major Federal action normally requiring an Environmental Impact Statement. See 30 C.F.R. Part 746.18(d)(5).
6. There is no change proposed to the mining operations and reclamation plan that would result in a change to the post mining land use of Federally owned surface land. See 30 C.F.R. § 746.18(d)(6).

Therefore, a mining plan approval from the Assistant Secretary of Land and Minerals Management is *not* required for the Falkirk Revision No. 45, Permit NAFK-8405. The OSMRE's decision is based upon consideration of the requirements at 30 C.F.R. § Parts 740 and 746.

### **Consultation:**

On November 18, 2025, OSMRE consulted with the Bureau of Land Management (BLM) about the proposed action. The BLM agrees with OSMRE's reasoning that the permit revision does not constitute a mining plan modification requiring approval by the ASLM. The OSMRE's decision does not relieve PSC from any further coordination with other Federal agencies for compliance as necessary.

Consequently, OSMRE's decision does not relieve PSC from coordinating its review and approval of this action and securing approval from other Federal agencies for compliance.

Thank you for the opportunity to review the action and the conversation we had; your time is greatly appreciated.

*Erica Trent*

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