

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, ^{MJ} Monty Johnson, ^{JE} Jeff Roerick, and ^{WS} Warren Swenson

DATE: February 24, 2026

SUBJECT: Application for Revision No. 45 to Permit No. NAFK-8405 held by the Falkirk Mining Company, Case No. RC-25-241

On August 28, 2025, the Falkirk Mining Company (Falkirk) filed the application for Revision No. 45 to Surface Coal Mining Permit NAFK-8405. Revision No. 45 identifies the next five-year coal removal areas and addresses items that were identified as requiring updating or modification by the Reclamation Division during a pre-renewal review of the permit. The revision also updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. The Reclamation Division has completed its review of this revision application and respectfully recommends that it be approved.

Falkirk applied for Revision No. 45 and corresponding Renewal No. 8 to this permit since mining and reclamation operations will continue in the existing permit area for many years. The surface and coal ownership information for the permit and adjacent area, and related lease information was updated as necessary. The Pit Layout and Facilities Map was revised to show coal removal subareas through the next permit term, and the coal production schedule was updated accordingly.

Revision No. 45 was deemed a significant revision application and was subject to the public notice requirements. Falkirk submitted affidavits of publication of 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, affected landowners, and the advisory committee members. No technical deficiency comments from advisory committee members were received. We received no objections or requests for informal conferences for this revision application.

No monetary bond adjustment is necessary due to this revision; however, the consolidated worst-case reclamation bond for the Falkirk Mine is currently under review with pending Revision No. 42 to Permit NAFK-8705. Pursuant to NDAC 69-05.2-12-07, the Reclamation Division 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-8405 and for continuing operations within the other permit areas.

Attached for your consideration at the March 5th Commission meeting are the proposed motion, revision approval form, and newspaper notice that we must publish following revision approval.

Attachments

Falkirk Mine\Permits\NAFK - 8405\Revisions\Rev45_Ren8\Rev45_apprvl_memo_2-24-26