

PUBLIC SERVICE COMMISSION
Reclamation Division

MEMORANDUM

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

From: JE MT
Jonathan Emmer, Monty Johnson, Preston Ripplinger

Date: March 20, 2026

Subject: Application for Renewal No. 6 to Permit No. NAFK-9503 held by the Falkirk Mining Company,
Case No. RC-25-255

On September 18, 2025, the Falkirk Mining Company (Falkirk) filed the application for Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 to continue mining and reclamation operations within the existing permit area until April 17, 2031. Permit NAFK-9503 covers all or portions of Sections 29, 30, 31, and 32, T146N, R83W; Section 36, T146N, R84W; Sections 7, 18, 19, and 30, T145N, R82W; Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36, T145N, R83W; Sections 1, 2, 12, and 13, T145N, R84W; Sections 4, 5, 6, 7, and 9, T144N, R83W; and Sections 1, 2, 3, 10, 11, and 12, T144N, R84W, McLean County, totaling 28,432.1 acres. The Reclamation Division has completed its review of this five-year permit renewal application and respectfully recommends that it be approved.

Falkirk has applied for this five-year renewal because mining and reclamation operations will continue in this permit area for many years. Mining and reclamation plans and other information were updated for the next permit term as part of Revision No. 39 which was submitted with the renewal application.

Falkirk has submitted the affidavits of publication for the newspaper notice. We notified the appropriate agencies, affected landowners, and the advisory committee members of this application. No technical deficiency comments from advisory committee members were received; however, recommendations from the United States Fish and Wildlife Service were incorporated into the permit during the revision process. Two written objections were received regarding the renewal and/or revision applications. On December 15, 2025, an anonymous landowner/farmer complaint was received alleging regulatory violations and environmental deficiencies; however, an informal conference was not scheduled due to the lack of required identifying information and evidence of noncompliance. A second objection was filed by landowner Jason Sauer on January 15, 2026, but Mr. Sauer withdrew the objection on January 31, 2026, after reaching an agreement with Falkirk, resulting in the cancellation of the scheduled February 11, 2026, informal conference. No other comments or objections to this renewal application were received. Evidence of adequate performance bond and liability insurance are currently on file. The amount of bond that currently covers this and other permits at the Falkirk Mine is \$114,823,633.

Attached for your consideration at the April 1st Commission meeting are the proposed motion and renewal approval forms. A map of the permit area is included below.

Attachments

Falkirk Mine\Permits\NAFK - 9503\Revisions\Rev39_Ren6\Ren6_apprvl_memo_3-20-26

NAFK- 9503 Permit Area Map

