



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

sent via email only

August 10, 2026

Mr. Tanner Jochim
Environmental Specialist
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087
tannert.jochim@nacoal.com

Dear Mr. Jochim:

The Reclamation Division has reviewed Falkirk's July 31, 2026, variance request for a 10-year liability period for a portion of the SE¼ of Section 23 in Surface Coal Mining Permit NAFK-8405. Please address the following comment.

Falkirk is requesting a one-year variance request from the 10-year revegetation liability period. Variance requests from the 10-year responsibility period are to be submitted according to Policy Memorandum No. 20 to Mine Operators but this request does not mention Policy Memorandum No. 20. Please update the variance request to reference Policy Memorandum No. 20 and the requirements that must be met in order for the Commission to approve the variance request. (WWS)

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer

Digitally signed by Jonathan Emmer
DN: C=US, E=jemmer@nd.gov,
O=North Dakota Public Service
Commission, CN=Jonathan Emmer
Date: 2026.08.10 11:07:41-05'00'

Jonathan Emmer
Director
Reclamation Division

cc via email only: Steve Burke (steve.burke@nacoal.com)
Jason Frye (jason.frye@nacoal.com)

Falkirk Mine\Permits\NAFK - 8405\Variances\2026\Sec23_Variance_rqst_10yr_Liab_rvw_ltr_8-10-26