

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Falkirk Mining Company**  
**Revision 35, Permit NAFK-9503**  
**Application**

**Case No. RC-23-217**

**REVISION OF PERMIT TO ENGAGE IN**  
**SURFACE COAL MINING AND RECLAMATION OPERATIONS**

**January 24, 2024**

Based on the application for **Revision Number 35 to Permit Number NAFK-9503** received **May 12, 2023**, and all information and documentation contained therein, the North Dakota Public Service Commission (Commission) finds that:

1. The revision application submitted May 12, 2023, is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code;
2. The 159.6 acres being deleted from the permit as part of this revision have not been affected by the applicant. An inspection of this area was conducted by Commission staff to verify that these lands were not disturbed by the Falkirk Mining Company and;
3. The Commission's other findings that were made when the permit and other revisions were issued remain applicable to the revised operation and reclamation plans.

**Revision Number 35 to Permit Number NAFK-9503 is hereby granted to the Falkirk Mining Company. The revision revises the post-mining topography for some unmined areas in the permit, updates the mine plan, and removes 159.6 acres in the SW¼ of Section 32, T145N, R83W, McLean County, that have not been disturbed by mining activities. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water hydrology and management, operation plans, blasting map, transportation plan, reclamation plans and schedules, post-mining land use and revegetation, and wetland sections as described in the permit revision application received May 12, 2023.**

The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on SFN-10562. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit. (Attached is a copy of the metes and bounds description of the land being deleted in the permit area.)

LOCATION

MINE	ADDRESS	ACRES	Sec.	Twp.	Range	County
Falkirk	Underwood, ND	-159.6	32	145N	83W	McLean

-159.6 acres - Total Area Deleted

PUBLIC SERVICE COMMISSION

  
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Sheri Haugen-Hoffart  
Commissioner

  
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Randy Christmann  
Chair

  
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Julie Fedorchak  
Commissioner

**Permit NAFK-9503 Revision No. 35 Metes & Bounds of Deleted Acres:**

A tract of land that has been deleted from the permit in Section 32, Township 145 North, Range 83 West, of the Fifth Principal Meridian, McLean County, North Dakota

Being further described as follows:

Beginning at the southwest corner of said Section 32;  
thence N 00°54'19" E a distance of 2635.01 feet to the west ¼ corner of said Section;  
thence S 89°30'04" E a distance of 2627.32 feet to the center ¼ corner of said Section;  
thence S 00°31'12" W a distance of 2639.82 feet to the south ¼ corner of said Section;  
thence N 89°23'44" W a distance of 2645.04 feet to the Point of Beginning.

Said tract contains 159.6 acres.

All bearings and distances are based on the North Dakota State Plane Coordinate System, North Zone, 1927 Datum.