

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Falkirk Mining Company  
Revision 37, Permit NAFK-9503  
Application

Case No. RC-25-20

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

April 10, 2025

Based on the application for **Revision Number 37 to Permit Number NAFK-9503** submitted on January 8, 2025, and all information and documentation contained therein, the North Dakota Public Service Commission (Commission) finds that:

1. The revision application submitted on January 8, 2025, 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 499.3 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 findings that were made when the permit and other revisions were issued remain applicable to the revised operation and reclamation plans.

**Revision Number 37 to Permit Number NAFK-9503 is hereby granted to the Falkirk Mining Company. The revision removes 499.3 acres in the SW<sup>1</sup>/<sub>4</sub> of Section 7, T145N, R83W; the N<sup>1</sup>/<sub>2</sub> of Section 13, T145N, R83W; and in the NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, and SW<sup>1</sup>/<sub>4</sub> of Section 18, T145N, R82W, McLean County—that have not been disturbed by mining activities. The revision also adds design plans for sedimentation ponds P-R03-01, P-R03-02, and P-R03-03, and updates the introductory information, legal information, surface water management plan, and operation plan sections, as described in the application.**

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 an insignificant 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	-17.6	7	145N	83W	McLean
Falkirk	Underwood, ND	-212.2	13	145N	83W	McLean
Falkirk	Underwood, ND	-269.5	18	145N	82W	McLean

-499.3 acres - Total Area Deleted

PUBLIC SERVICE COMMISSION

  
Sheri Haugen-Hoffart  
Commissioner

  
Randy Christmann  
Chair

  
Jill Kringstad  
Commissioner

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 37\Rev37\_apprvl\_award\_4-10-25

**Permit NAFK-9503 Revision 37 Metes & Bounds of Deleted Acres:**

**Tract #1**

A tract of land in the north ½ of Section 13, Township 145 North, Range 83 West of the Fifth Principal Meridian, McLean County, North Dakota, described as follows:

Beginning at the northwest corner of Section 13, T145N, R83W;  
thence S 89°27'21" E a distance of 2648.53 feet to the north ¼ corner of said Section;  
thence S 89°27'21" E a distance of 2548.53 feet on the north line of said Section;  
thence S 00°30'36" W a distance of 1836.78 feet;  
thence N 89°18'36" W a distance of 3766.39;  
thence N 74°52'35" W a distance of 1473.10 feet to the west line of said Section;  
thence N 00°18'12" E a distance of 1456.39 feet to the Point of Beginning.

Said tract contains 212.2 acres.

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

**Tract #2**

A tract of land in the northwest ¼ of Section 18, Township 145 North, Range 82 West of the Fifth Principal Meridian, McLean County, North Dakota, described as follows:

Commencing at the northwest corner of Section 18, T145N, R82W;  
thence S 89°26'47" E a distance of 1091.37 feet on the north line of said Section to the Point of Beginning;  
thence S 89°26'47" E a distance of 1384.71 feet on the north line of said Section;  
thence S 00°00'00" E a distance of 895.86 feet;  
thence S 65°45'20" W a distance of 1102.49 feet;  
thence N 59°48'32" W a distance of 341.86 feet;  
thence S 73°25'25" W a distance of 1136.00 feet;  
thence N 00°30'36" E a distance of 323.13 feet;  
thence S 90°00'00" E a distance of 402.04 feet;  
thence N 00°00'00" W a distance of 516.81 feet;  
thence S 89°26'47" E a distance of 600.00 feet;  
thence N 00°00'00" W a distance of 680.00 feet to the Point of Beginning.

Said tract contains 48.0 acres.

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

**Tract #3**

A tract of land in Section 18, Township 145 North, Range 82 West of the Fifth Principal Meridian, McLean County, North Dakota, described as follows:

Beginning at the northeast corner of Section 18, T145N, R82W;  
thence S 00°29'02" W a distance of 2646.98 feet to the east 1/4 corner of said Section;  
thence N 89°24'43" W a distance of 2651.66 feet to the center 1/4 corner of said Section;  
thence S 00°26'22" W a distance of 2645.39 feet to the south 1/4 corner of said Section;  
thence N 89°22'39" W a distance of 1689.89 feet on the south line of said Section;  
thence N 09°30'45" E a distance of 332.48 feet;  
thence N 30°31'26" E a distance of 1246.19 feet;  
thence S 69°05'12" E a distance of 345.30 feet;  
thence N 31°17'09" E a distance of 287.16 feet;  
thence N 62°32'07" E a distance of 356.64 feet;  
thence N 01°59'50" E a distance of 598.03 feet;  
thence N 07°01'51" W a distance of 346.49 feet to the east-west quarter line of said Section;  
thence N 29°39'21" E a distance of 2361.52 feet;  
thence S 89°41'38" E a distance of 613.36 feet;  
thence N 01°42'46" E a distance of 579.31 feet to the north line of said Section;  
thence S 89°26'47" E a distance of 1130.44 feet to the Point of Beginning.

Said tract contains 178.6 acres.

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

**Tract #4**

A tract of land in Section 18, Township 145 North, Range 82 West of the Fifth Principal Meridian, McLean County, North Dakota, described as follows:

Commencing at the west 1/4 corner of Section 18, T145N, R82W;  
thence S 44°27'03" E a distance of 141.52 feet to the Point of Beginning;  
thence S 89°24'43" E a distance of 1550.56 feet;  
thence S 32°33'49" W a distance of 946.91 feet;  
thence S 04°57'21" W a distance of 436.49 feet;  
thence S 30°31'45" W a distance of 745.80 feet;  
thence N 51°58'25" W a distance of 808.23 feet;  
thence N 00°30'36" E a distance of 1393.40 feet to the Point of Beginning.

Said tract contains 42.9 acres.

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

**Tract #5**

A tract of land in Section 7, Township 145 North, Range 83 West of the Fifth Principal Meridian, McLean County, North Dakota, described as follows:

Commencing at the southwest corner of said Section 7, T145N, R83W;  
thence N 00°34'37" E a distance of 1348.28 feet on the west line of said Section to the Point of Beginning;  
thence N 00°34'37" E a distance of 682.39 feet on the west line of said Section;  
thence S 89°17'58" E a distance of 1123.22 feet;  
thence S 00°34'37" W a distance of 684.36 feet;  
thence N 89°11'56" W a distance of 1123.22 feet to the west line of said Section also being the Point of Beginning.

Said tract contains 17.6 acres.

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