



# Public Service Commission

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

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

*sent via email and regular mail*

May 27, 2025

Mr. Jason Frye  
Environmental Specialist  
Falkirk Mining Company  
P.O. Box 1087  
Underwood, ND 58576-1087  
jason.frye@nacoal.com

Dear Mr. Frye:

This is to inform you of the Commission’s May 23, 2025 approval of Revision 38 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 38 adds mining plans on land owned by Falkirk in the E½ of the NW¼ of Section 32, T145N, R83W, and updates the permit’s introductory, legal, financial, compliance, surface and coal ownership information, and the operation plans. No monetary bond adjustment was necessary as a result of this revision.

Special Condition No. 4 is being added to Permit NAFK-9503, which states that the Falkirk Mining Company must provide the Commission with copies of McLean County road authority’s approval documents that close or relocate any public road and other approval documents to conduct surface coal mining activities within one hundred feet of the outside right-of-way of any public road as required by subsection 4 of North Dakota Administrative Code Section 69-05.2-04-01.3. These documents must be provided to the Commission within thirty days from the road authority’s approval date and include the written findings made by the road authority.

This permit revision was a significant alteration to Permit NAFK-9503 and any person with an interest that is or may be adversely affected by the approval of this revision has the right to request a formal hearing on the decision to approve this revision. Such a request must be filed within 30 days of publication of the Commission’s approval notice in the McLean County Independent and the Bismarck Tribune.

Enclosed are the original revision award form and special condition. If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer  
Director  
Reclamation Division

Enclosures

cc w/ enclosures via email only:

Steve Burke (steve.burke@nacoal.com)  
Tara Voigt (tara.voigt@nacoal.com)

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 38\Rev38\_AL\_5-27-25



# Public Service Commission

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ndpsc@nd.gov

May 27, 2025

Mr. Jeffrey Fleischman, Chief  
Denver Field Division  
Office of Surface Mining  
PO Box 11018  
150 East B Street  
Casper, WY 82601-7032  
jfleischman@osmre.gov

Dear Mr. Fleischman:

This is to inform you of the Commission's May 23, 2025 approval of Revision 38 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 38 adds mining plans on land owned by Falkirk in the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 32, T145N, R83W, and updates the permit's introductory, legal, financial, compliance, surface and coal ownership information, and the operation plans. This permit does not contain leased federal coal and no monetary bond adjustment was necessary as a result of this revision.

Special Condition No. 4 is being added to Permit NAFK-9503, which states that the Falkirk Mining Company must provide the Commission with copies of McLean County road authority's approval documents that close or relocate any public road and other approval documents to conduct surface coal mining activities within one hundred feet of the outside right-of-way of any public road as required by subsection 4 of North Dakota Administrative Code Section 69-05.2-04-01.3. These documents must be provided to the Commission within thirty days from the road authority's approval date and include the written findings made by the road authority.

This permit revision was a significant alteration to Permit NAFK-9503 and any person with an interest that is or may be adversely affected by the approval of this revision has the right to request a formal hearing on the decision to approve this revision. Such a request must be filed within 30 days of publication of the Commission's approval notice in the McLean County Independent and the Bismarck Tribune.

Enclosed are a copy of the revision award form, special condition, and a flash drive of the approved revision. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer  
Director  
Reclamation Division

Enclosures

cc via email only w/o enclosures: John Sieving (jsieving@osmre.gov)

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 38\Rev38\_AL\_5-27-25



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Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

*sent via email and inside mail*

May 27, 2025

Ms. Kathy Duttonhefner, Chief  
North Dakota Parks & Recreation  
Natural Resources Division  
604 E Boulevard Ave Dept. 750  
Bismarck, ND 58505  
kgduttonhefner@nd.gov

Dear Ms. Duttonhefner:

This is to inform you of the Commission's May 23, 2025 approval of Revision 38 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 38 adds mining plans on land owned by Falkirk in the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 32, T145N, R83W, and updates the permit's introductory, legal, financial, compliance, surface and coal ownership information, and the operation plans. No monetary bond adjustment was necessary as a result of this revision.

This permit revision was a significant alteration to Permit NAFK-9503 and any person with an interest that is or may be adversely affected by the approval of this revision has the right to request a formal hearing on the decision to approve this revision. Such a request must be filed within 30 days of publication of the Commission's approval notice in the McLean County Independent and the Bismarck Tribune.

Enclosed is a copy of the revision award form. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer  
Director  
Reclamation Division

Enclosure

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 38\Rev38\_AL\_5-27-25



# 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*

May 27, 2025

Ms. Beth Knutson  
McLean County Auditor  
PO Box 1108  
Washburn, ND 58577-1108  
baknutson@nd.gov

Dear Ms. Knutson:

This is to inform you of the Commission's May 23, 2025 approval of Revision 38 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 38 adds mining plans on land owned by Falkirk in the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 32, T145N, R83W, and updates the permit's introductory, legal, financial, compliance, surface and coal ownership information, and the operation plans. No monetary bond adjustment was necessary as a result of this revision.

Special Condition No. 4 is being added to Permit NAFK-9503, which states that the Falkirk Mining Company must provide the Commission with copies of McLean County road authority's approval documents that close or relocate any public road and other approval documents to conduct surface coal mining activities within one hundred feet of the outside right-of-way of any public road as required by subsection 4 of North Dakota Administrative Code Section 69-05.2-04-01.3. These documents must be provided to the Commission within thirty days from the road authority's approval date and include the written findings made by the road authority.

This permit revision was a significant alteration to Permit NAFK-9503 and any person with an interest that is or may be adversely affected by the approval of this revision has the right to request a formal hearing on the decision to approve this revision. Such a request must be filed within 30 days of publication of the Commission's approval notice in the McLean County Independent and the Bismarck Tribune.

Enclosed are a copy of the revision award form and special condition. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer  
Director  
Reclamation Division

Enclosures

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# Public Service Commission

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Randy Christmann

Jill Kringstad

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

*sent via certified mail*

May 27, 2025

Honorable Roxanne Kapanke  
President of City Commission  
P.O. Box 168  
Underwood, ND 58576-0168

Dear President Kapanke:

This is to inform you of the Commission's May 23, 2025 approval of Revision 38 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 38 adds mining plans on land owned by Falkirk in the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 32, T145N, R83W, and updates the permit's introductory, legal, financial, compliance, surface and coal ownership information, and the operation plans. No monetary bond adjustment was necessary as a result of this revision.

Special Condition No. 4 is being added to Permit NAFK-9503, which states that the Falkirk Mining Company must provide copies to the Commission of the road authority's approval documents to close or relocate any public road and other approval documents to conduct surface coal mining activities within one hundred feet of the outside right-of-way of any public road as required by NDAC 69-05.2-04-01.3(4). These documents must be provided to the Commission within thirty days from the road authority's approval date and include the written findings made by the road authority.

This permit revision was a significant alteration to Permit NAFK-9503 and any person with an interest that is or may be adversely affected by the approval of this revision has the right to request a formal hearing on the decision to approve this revision. Such a request must be filed within 30 days of publication of the Commission's approval notice in the McLean County Independent and the Bismarck Tribune.

Enclosed is a copy of the revision award form. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer  
Director  
Reclamation Division

Enclosure

Cert. No. 9589 0710 5270 1582 7572 59

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 38\Rev38\_AL\_5-27-25



# 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 and certified mail*

May 27, 2025

Mr. Mark Lemm  
City Commission President  
907 Main Ave  
PO Box 467  
Washburn, ND 58577-0467  
marktlem@gmail.com

Dear President Lemm:

This is to inform you of the Commission's May 23, 2025 approval of Revision 38 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 38 adds mining plans on land owned by Falkirk in the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 32, T145N, R83W, and updates the permit's introductory, legal, financial, compliance, surface and coal ownership information, and the operation plans. No monetary bond adjustment was necessary as a result of this revision.

Special Condition No. 4 is being added to Permit NAFK-9503, which states that the Falkirk Mining Company must provide copies to the Commission of the road authority's approval documents to close or relocate any public road and other approval documents to conduct surface coal mining activities within one hundred feet of the outside right-of-way of any public road as required by NDAC 69-05.2-04-01.3(4). These documents must be provided to the Commission within thirty days from the road authority's approval date and include the written findings made by the road authority.

This permit revision was a significant alteration to Permit NAFK-9503 and any person with an interest that is or may be adversely affected by the approval of this revision has the right to request a formal hearing on the decision to approve this revision. Such a request must be filed within 30 days of publication of the Commission's approval notice in the McLean County Independent and the Bismarck Tribune.

Enclosed is a copy of the revision award form. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer  
Director  
Reclamation Division

Enclosure

Cert. No. 9589 0710 5270 1582 7574 26

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 38\Rev38\_AL\_5-27-25

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Falkirk Mining Company  
Revision 38, Permit NAFK-9503  
Application

Case No. RC-25-77

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

May 23, 2025

Based on the application for **Revision Number 38 to Permit Number NAFK-9503** submitted on February 19, 2025, and all information and documentation contained therein, the North Dakota Public Service Commission (Commission) finds that:

1. The revision application submitted on February 19, 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; and
2. 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 38 to Permit Number NAFK-9503 is hereby conditionally granted to the Falkirk Mining Company. Revision 38 adds mining plans in the E½ of the NW¼ of Section 32, T145N, R83W, and updates the permit's introductory, legal, financial, compliance, surface and coal ownership information, and the operation plans as described in the permit revision application received on February 19, 2025.**

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 attached PSC Reclamation Form - 3. 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.

PUBLIC SERVICE COMMISSION

  
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Sheri Haugen-Hoffart  
Commissioner

  
\_\_\_\_\_  
Randy Christmann  
Chair

  
\_\_\_\_\_  
Jill Kringstad  
Commissioner

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 38\Rev38\_Apprvl\_Award\_5-23-25

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Falkirk Mining Company  
Revision 38, Permit NAFK-9503  
Application

Case No. RC-25-77

SURFACE COAL MINING AND RECLAMATION PERMIT CONDITION  
SPECIAL CONDITION NO. 4

May 23, 2025

Revision 38 to Surface Coal Mining Permit Number NAFK-9503 has been issued to the Falkirk Mining Company subject to Chapter 38-14.1 of the North Dakota Century Code, all the rules promulgated thereunder, and the following condition:

4. Falkirk Mining Company must provide the Commission with copies of McLean County road authority's approval documents that close or relocate any public road and other approval documents to conduct surface coal mining activities within one hundred feet of the outside right-of-way of any public road as required by subsection 4 of North Dakota Administrative Code Section 69-05.2-04-01.3. These documents must be provided to the Commission within thirty days from the road authority's approval date and include the written findings made by the road authority.

PUBLIC SERVICE COMMISSION

 _____ Sheri Haugen-Hoffart Commissioner	 _____ Randy Christmann Chair	 _____ Jill Kringstad Commissioner
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