



# 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*

April 2, 2026

North Dakota Department of Water Resources  
C/O Project Review  
1200 Memorial Highway, Dept 770  
Bismarck, ND 58504  
dwrprojectreview@nd.gov

Dear Project Review Team:

The Falkirk Mining Company has filed an application for Revision No. 42 to Surface Coal Mining Permit NAFK-8705 for the Falkirk Mine. The Reclamation Division previously mailed copies of the permit application to the NDDWR for evaluation as an advisory committee member on August 8, 2025, and January 29, 2026. Response letters dated September 17, 2025, and March 6, 2026, were received by our office.

The Falkirk Mining Company has since responded to a technical review letter from the Reclamation Division, resulting in additional updates to the permit application. These updates include revised and newly added sections to the surface water management plan in Section 3.6 (Operations – Surface Water Management) that warrant further review by your agency due to their relevance to your specific technical expertise. A summary of these additions and updates is provided on pages 349-351 of Section 1.1.3 (Revision Instruction Lists).

Please note that sedimentation ponds P-W30-04 and P-W30-05 (Section 3.6.4.4d and Section 3.6.4.4e), have been removed and replaced with Section 3.6.4.4d (Design of Sedimentation Pond P-W31-04) and Section 3.6.4.4e (Design of Diversion D-W30-02). These updates are reflected in Section 3.1.5 (Pit Layout and Facilities) and Section 3.6.3a (Total Water Management Plan).

Upon delivery of this letter via email, a Microsoft OneDrive link will be provided to access the most recent Revision No. 42 submittal. Please review the applicable updates in the revision application with respect to your agency’s areas of responsibility and technical expertise, and for compliance with NDAC 69-05.2-16-03. In accordance with NDAC 69-05.2-10-01(2), please provide any review comments by **May 18, 2026**.

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer  
Director  
Reclamation Division