



# Public Service Commission

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*sent via email only*

April 23, 2026

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

Dear Mr. Frye:

The Reclamation Division has conducted a third technical review of the application for Revision No. 42 to Surface Coal Mining Permit NAFK-8705, submitted by the Falkirk Mining Company on March 20, 2026. Additionally, Falkirk submitted updated and new documents related to the Transportation Facilities section on April 16, 2026, with the intent of incorporating them into Revision No. 42. Based on our review of these submittals, the following items below must be addressed before the Commission can take further action on this application.

## **Section 3.5 – Operations – Transportation Facilities**

1. The first paragraph of Section 3.5.1 (Transportation Narrative) does not list C1 among the haul road sections that facilitate mining and reclamation operations in the permit area. Please revise the first paragraph in Section 3.5.1 to include Haul Road Section C1. (BSM)
2. The paragraph describing Haul Road Section C1 in Section 3.5.1 (Transportation Narrative) appears to contain a typographical error regarding station 182+00, where traffic is facilitated from Haul Road Section A1 to C1. Please review and revise this stationing to ensure it is correct and consistent with Section 3.5.2 (Transportation Facilities Map). (BSM)
3. Section 3.5.2 (Transportation Facilities Map) does not delineate the Station 1+25 – 24” CMP with an FES culvert described in Section 3.5.10a (Haul Road Section C1 – Culvert Design). Please update Section 3.5.2 to depict this culvert. (BSM)
4. Section 3.5.8 (Haul Road Section A1 Profile) has been revised with a minor adjustment to the profile slope; however, the title block does not include the original creation date. For record purposes, please include the original date corresponding to the initial submittal and approval of Haul Road Section A1. (BSM)

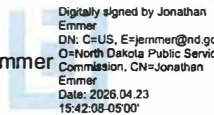
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5. Section 3.5.8a, provided on April 16, 2026, only provides culvert design information for Station 80+66 -24” CMP w/ FES. Please revise Section 3.5.8a to include all culverts associated with Haul Road Section A1. Furthermore, please verify that the beginning of Section 3.5.8a includes the title “Section 3.5.8a – Culvert Installation Designs” and Section 3.5.2 (Transportation Facilities Map) is updated depicting this culvert. (BSM)
6. To maintain consistency with formatting used in previous haul road culvert installation designs, please include the title “Section 3.5.10a – Culvert Installation Designs” at the beginning of Section 3.5.10a. (BSM)

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer



Digitally signed by Jonathan Emmer  
DN: cn=US, e=jemmer@nd.gov,  
o=North Dakota Public Service Commission, cn=Jonathan Emmer  
Date: 2026.04.23 15:42:08-05'00'

Jonathan Emmer  
Director  
Reclamation Division

cc via email only: Steve Burke (steve.burke@nacoal.com)  
Tara Voigt (tara.voigt@nacoal.com)

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