



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 regular mail

September 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:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

Revision 42 was considered a significant alteration to Permit NAFK-8705 and was therefore subject to the public notice requirements. 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 Bismarck Tribune. The total amount of \$130,000,000 for the existing performance bond, which covers this and other permits at the Falkirk Mine, was determined to be adequate at this time.

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

Sincerely,

A handwritten signature in blue ink, reading "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

Enclosure

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

Falkirk Mine\Permits\NAFK - 8705\Revisions & Renewals\No. 42\Rev42_AL_9-23-26

43 RC-25-184 Filed 09/23/2026 Pages: 16
Revision 42 Approval Letter

Public Service Commission
Jonathan Emmer



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600 East Boulevard Ave
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September 23, 2026

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 September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Enclosed is a copy of the award form for the revision. The approved permit will be shared with you via a Microsoft OneDrive link emailed with this letter. 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: John Sieving (jsieving@osmre.gov)

Falkirk Mine\Permits\NAFK - 8705\Revisions & Renewals\No. 42\Rev42_AL_9-23-26



Public Service Commission

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sent via email only

September 23, 2026

Ms. Erica Trent
Natural Resources Specialist
Office of Surface Mining
PO Box 25065
Lakewood, CO 80225
etrent@osmre.gov

Dear Ms. Trent:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Sincerely,

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Jonathan Emmer
Director
Reclamation Division

Enclosure

cc via email only: Marcelo Calle (mcalle@osmre.gov)

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600 East Boulevard Ave
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September 23, 2026

Mr. Josh Alexander
Bureau of Land Management
Billings Field Office
Eastern Montana Dakotas District Office
Department of Interior
5001 Southgate Dr.
Billings, MT 59101
jalexand@blm.gov

Dear Mr. Alexander:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Jonathan Emmer
Director
Reclamation Division

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September 23, 2026

Mr. Edward Kraft
Field Office Manager
Bureau of Land Management
ND Field Office
99 23rd Avenue West, Suite A
Dickinson, ND 58601
ekraft@blm.gov

Dear Mr. Kraft:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Sincerely,

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Jonathan Emmer
Director
Reclamation Division

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

sent via email only

September 23, 2026

Ms. Beth Jacobson
Interim Director
North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, ND 58503-1324
bjacobso@nd.gov

Dear Ms. Jacobson:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Sincerely,

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Jonathan Emmer
Director
Reclamation Division

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

sent via email only

September 23, 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:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Sincerely,

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Jonathan Emmer
Director
Reclamation Division

Enclosure

cc via email only: DWR Reg Permits (dwrregpermits@nd.gov)

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

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September 23, 2026

Ms. Paula Comeau
ND State Soil Conservation Committee
Dept 7390, PO Box 6050
Fargo, ND 58108-6050
ndsu.sccc@ndsu.edu

Dear Ms. Comeau:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Jonathan Emmer
Director
Reclamation Division

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

sent via email only

September 23, 2026

Mr. Jeb Williams, Director
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, ND 58501-5095
jwilliam@nd.gov

Dear Mr. Williams:

This is to inform you of the Commission's September 23, 2026; approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Jonathan Emmer
Director
Reclamation Division

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Jill Kringstad

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

sent via email only

September 23, 2026

Mr. Luke Toso
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, North Dakota 58501-7926
luke_toso@fws.gov

Dear Mr. Toso:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Jonathan Emmer
Director
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Randy Christmann

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

sent via email only

September 23, 2026

Dr. Bill Peterson, Director
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505
billpeterson@nd.gov

Dear Dr. Peterson:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Jonathan Emmer
Director
Reclamation Division

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

sent via email only

September 23, 2026

Mr. Tom Claeys
State Forester
North Dakota Forest Service
916 E Interstate Ave #4
Bismarck, ND 58503
thomas.claeys@ndsu.edu

Dear Mr. Claeys:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Jonathan Emmer
Director
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Randy Christmann

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

sent via email only

September 23, 2026

Dr. Clint Boyd
State Geologist
North Dakota Geological Survey
600 East Boulevard Avenue
Bismarck, ND 58505 0480
caboyd@nd.gov

Dear Dr. Boyd:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Randy Christmann

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

sent via email only

September 23, 2026

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

Dear Ms. Knutson:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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September 23, 2026

Mr. Derrick Fischer
City Commission President
PO Box 168
Underwood, ND 58576-0168

Dear President Fischer:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Jonathan Emmer
Director
Reclamation Division

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cc via email only: Jordyn Whebbe (jwhebbectyunder@westriv.com)

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Dept. 408
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sent via email and regular mail

September 23, 2026

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

Dear President Lelm:

This is to inform you of the Commission's September 23, 2026, approval of Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company for the Falkirk Mine. Revision 42 changes the timing of mining and revises the post-mining topography for a large portion of the unmined areas within the permit. The revision also updates the introductory, legal, financial, compliance, surface and coal ownership information, surface water information and monitoring plan, probable hydrological consequences, surface water management, ground water management plan, operation plans, extended mining plan, existing structures, blasting map, transportation facilities, reclamation plans and schedule, post-mining land use and revegetation, and wetland sections of the permit. The stand-alone Consolidated Bond Estimate and Underwood Ground Water Hydrology sections have also been updated with this revision.

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Jonathan Emmer
Director
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cc via email only:

Chelsey Brandt (c.brandt@washburnnd.gov)

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