



Public Service Commission

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Sheri Haugen-Hoffart

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sent via email only

September 23, 2025

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

Dear Mr. Frye:

In follow-up to our phone conversations on September 18, 2025 and September 23, 2025 regarding the temporary section line closure between the E1/2 of Section 8 and the W1/2 of Section 9, T146N, R82W and the SE1/4 of Section 5 and the SW1/4 of Section 4, T146N, R82W, the Reclamation Division conditionally approves The Falkirk Mining Company (Falkirk) to construct a temporary relocated road as required by the McLean County Commission and described below. This approval is contingent upon the approval of Revision 45 to Permit NAFK-8405.

Falkirk petitioned the McLean County Commission to temporarily close section line roads, as described above, in accordance with N.D.C.C. 38-01-07.1 and 38-01-07.2, and a public hearing was held before the McLean County Commission on September 3, 2025 and September 16, 2025. During the public hearings, it was determined that a temporary route would need to be constructed to protect the interests of the public when the section line roads are closed.

According to N.D.A.C. 69-05.2-10-01(d), the public notice for Revision 38 to Permit NAFK-8405 included a statement describing the closure of these section line roads. However, the relocated route, which was required as part of the McLean County Commission's approval to close the section line roads, was not included in a public notice for a revision application. Therefore, Falkirk needs to revise Section 1.2.4 (Newspaper Publication Notice) and Section 1.2.4s (Newspaper Publication Reference Map, Revision 45, Renewal 8) with pending Revision 45 to NAFK-8405 to include a concise statement describing the road, the particular part to be relocated, where the relocation is to occur, and its duration to comply with N.D.A.C. 69-05.2-10-01(d).

The Reclamation Division recognizes that Falkirk has obtained the necessary approvals from the McLean County Commission to close and relocate public roads as required by N.D.A.C. 69-05.2-04-01.2. If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

Mr. Jason Frye
September 23, 2025
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cc via email only: Steve Burke (steve.burke@nacoal.com)

Falkirk Mine\Permits\NAFK - 8405\Revisions\Rev45_Ren8\Rev45_Ren8_Road_Relocation_Cond_AL_9-23-25