



# 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*

March 5, 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 March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

Revision No. 45 was considered a significant alteration to Permit NAFK-8405 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 \$114,823,633 for the existing performance bond, which covers this and other permits at the Falkirk Mine, was determined to be adequate at this time.

Enclosed are the original award forms for the revision and renewal. If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer  
Director  
Reclamation Division

Enclosures

cc w/o enclosure via email only:

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

Falkirk Mine\Permits\NAFK - 8405\Revisions\Rev45\_Ren8\Rev45\_Ren8\_AL\_3-5-26



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March 5, 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 March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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Enclosed are copies of the award forms and a flash drive containing the approved permit. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan Emmer".

Jonathan Emmer  
Director  
Reclamation Division

Enclosures

cc via email only: John Sieving (jsieving@osmre.gov)

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March 5, 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 March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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Jonathan Emmer  
Director  
Reclamation Division

Enclosures

cc via email only w/o enclosure: Marcelo Calle (mcalle@osmre.gov)

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March 5, 2026

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 March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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Dept. 408  
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March 5, 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 March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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Reclamation Division

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March 5, 2026

Mr. David Glatt, P.E.  
Director  
North Dakota Department of Environmental Quality  
4201 Normandy Street  
Bismarck, ND 58503-1324  
dglatt@nd.gov

Dear Mr. Glatt:

This is to inform you of the Commission's March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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March 5, 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 March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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March 5, 2026

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

Dear Ms. Duttonhefner:

This is to inform you of the Commission's March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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March 5, 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 March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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Bismarck, ND 58505-0480  
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ndpsc@nd.gov

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March 5, 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 March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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

*sent via email only*

March 5, 2026

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

Dear Mr. Peterson:

This is to inform you of the Commission's March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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

*sent via email only*

March 5, 2026

Mr. Tom Claeys  
State Forester  
North Dakota Forest Service  
307 1<sup>st</sup> Street East  
Bottineau, ND 58318-1100  
thomas.claeys@ndsu.edu

Dear Mr. Claeys:

This is to inform you of the Commission's March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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Dept. 408  
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ndpsc@nd.gov

*sent via email only*

March 5, 2026

Mr. Edward C. Murphy  
State Geologist  
North Dakota Geological Survey  
600 East Boulevard Avenue  
Bismarck, ND 58505 0480  
emurphy@nd.gov

Dear Mr. Murphy:

This is to inform you of the Commission's March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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ndpsc@nd.gov

*sent via email only*

March 5, 2026

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 March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 updates the introductory, legal, and compliance information, surface and coal interest and ownership, geology, fish and wildlife resources, operation plans, extended mining plans, transportation facilities, surface water management and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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

*sent via certified mail*

March 5, 2026

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 March 5, 2026, approval of Revision No. 45 and Renewal No. 8 to Surface Coal Mining Permit NAFK-8405 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 45 identifies the next five-year coal removal areas and updates the introductory, legal, and compliance information; identification of interests and rights-of-entry; geology; fish and wildlife resources; operation plans; extended mining plans; transportation facilities; surface water management; and reclamation plans and schedule for the next permit term. Renewal No. 8 extends the permit term for another five years until April 15, 2031.

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Cert. No. 9589 0710 5270 2708 2388 74

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Dept. 408  
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ndpsc@nd.gov

*sent via email and certified mail*

March 5, 2026

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

Dear President Lelm:

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cc w/o enclosure via email only:

Chelsey Brandt (washaud@westriv.com)