

NORTH  
**Dakota** | Water Resources  
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Dec 23, 2025

Mr. Jonathan Emmer

DEC 30 2025

Public Service Commission  
600 East Boulevard Ave  
Dept 408  
701-328-2400  
ndpsc@nd.gov

NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Dear Mr. Emmer,

This is in response to your request for a review of the environmental impacts associated with the Permit Application for Falkirk Mine Permits NAFK-9503 Revision 39 Ren6.

The proposed project has been reviewed by Department of Water Resources (DWR), and the following comments are provided:

- There are no FEMA National Flood Insurance Program (NFIP) floodplains identified or mapped where the proposed project is to take place. No permits relative to the NFIP are likely required based on the current Flood Insurance Rate Map and State minimum standards. However, flood risk has been identified through the North Dakota Risk Assessment Mapservice and Base Level Engineering (BLE) (ndram.dwr.nd.gov). In the absence of FEMA NFIP data, BLE is often considered best available data and is recommended to be considered in the design process. The State of North Dakota has no formal NFIP permitting authority as all NFIP permitting decisions are considered by impacted NFIP participating communities, the community with zoning authority for the area in question. Please work directly with the local floodplain administrators of the zoning authorities impacted.  
Tyler Spomer, NFIP Coordinator, 701-328-2452, tispomer@nd.gov.

- If surface water or groundwater will be diverted for construction or operation of the project, or water will be put to a beneficial use other than solely for the purpose of sedimentation control during mining activities, a water permit is required per North Dakota Century Code § 61-04-02. Please consult with the Water Appropriations Division of the Department of Water Resources at 701-328-2754 or appropinfo@nd.gov if you have any questions.

- The DWR Regulatory Division's Engineering and Permitting Section reviewed project revisions and determined no drainage permits, or construction permits for dikes, diversions, or restorations are likely required so long as no watercourses are modified (i.e., deepened, widened, rerouted, etc.).

- Projects that take place within the ordinary high water mark of a North Dakota navigable waterbody (as outlined in North Dakota Century Code ch. 61-33) require prior authorization to construct from DWR. The Project(s), as described, does not appear to take place within a currently identified navigable waterbody, and does not require a North Dakota state sovereign land permit. For further information, contact Amy Winkelman, State Sovereign Land Manager, at awinkelman@nd.gov, 701-328-4935 or Travis Thyberg, State Sovereign Land Specialist, at tbthyberg@nd.gov 701-328-4988.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or [kyrkoski@nd.gov](mailto:kyrkoski@nd.gov).

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Revision 39 Advisory Review Response Letter

North Dakota Department of Water Resources (DWR)  
Kyle Yrkoski

Sincerely,

A handwritten signature in cursive script, reading "Kyle Yrkoski". The signature is fluid and stylized, with the first name "Kyle" and last name "Yrkoski" clearly distinguishable.

Kyle Yrkoski  
Planner III

KY:mg/1570