



Public Service Commission

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

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

sent via email and regular mail

April 2, 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 April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

Revision No. 39 was considered a significant alteration to Permit NAFK-9503 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.

Special Condition No. 1 is being added to Permit NAFK-9503, which requires the Falkirk Mining Company to have a USFWS permitted surveyor evaluate the native grassland in Sections 1, 2 and 12 of T145N, R84W and Section 36, T146N, R84W to determine if suitable Dakota Skipper habitat is present and if occupancy surveys are warranted prior to surface disturbance. Enclosed are the original award forms for the revision, permit renewal, and Special Condition No. 1. 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 - 9503\Revisions\Rev39_Ren6\Rev39_Ren6_Cond_AL_4-2-26



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Randy Christmann

Jill Kringstad

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

sent via email only

April 2, 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 April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

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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 - 9503\Revisions\Rev39_Ren6\Rev39_Ren6_Cond_AL_4-2-26



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Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

sent via email only

April 2, 2026

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

Dear Ms. Trent:

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Sincerely,

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Jonathan Emmer
Director
Reclamation Division

Enclosures

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

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

sent via email only

April 2, 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 April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

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Jonathan Emmer
Director
Reclamation Division

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Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

sent via email only

April 2, 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 April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

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Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

sent via email only

April 2, 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 April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

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Jonathan Emmer
Director
Reclamation Division

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Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

sent via email only

April 2, 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 April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

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Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

sent via email only

April 2, 2026

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

Dear Ms. Duttenhefner:

This is to inform you of the Commission's April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

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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

April 2, 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 April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

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

sent via email only

April 2, 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 April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

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

sent via email only

April 2, 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 April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

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Director
Reclamation Division

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

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

sent via email only

April 2, 2026

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

Dear Mr. Claeys:

This is to inform you of the Commission's April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

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

sent via email only

April 2, 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:

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

sent via email only

April 2, 2026

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

Dear Ms. Knutson:

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Dept. 408
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ndpsc@nd.gov

sent via certified mail

April 2, 2026

Ms. Roxanne Kapanke
City Commission President
P.O. Box 168
Underwood, ND 58576-0168

Dear President Kapanke:

This is to inform you of the Commission's April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

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600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
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April 2, 2026

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

Dear President Lelm:

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Director
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cc w/o enclosure via email only: Chelsey Brandt (washaud@westriv.com)

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600 East Boulevard Ave
Dept. 408
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April 2, 2026

Mr. Jason Sauer
722 N. Halifax Drive
Ormond Beach, FL 32179-4706
jason.sauer@gmail.com

Dear Mr. Sauer:

This is to inform you of the Commission's April 1, 2026, conditional approval of Revision No. 39 and Renewal No. 6 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision No. 39 identifies the next five-year coal removal areas and also updates the introductory, legal, compliance, surface and coal interest and ownership, ground water hydrology, fish and wildlife resources, surface water information and monitoring plan, operation plans, blasting plans, extended mining plans, transportation facilities and surface water management information in the permit for the next permit term. Renewal No. 6 extends the permit term for another five years until April 17, 2031.

Revision No. 39 was considered a significant alteration to Permit NAFK-9503 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.

Special Condition No. 1 is being added to Permit NAFK-9503, which requires the Falkirk Mining Company to have a USFWS permitted surveyor evaluate the native grassland in Sections 1, 2 and 12 of T145N, R84W and Section 36, T146N, R84W to determine if suitable Dakota Skipper habitat is present and if occupancy surveys are warranted prior to surface disturbance. Enclosed are copies of the award forms for the revision, permit renewal, and Special Condition No. 1. 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

Falkirk Mine\Permits\NAFK - 9503\Revisions\Rev39_Ren6\Rev39_Ren6_Cond_AL_4-2-26