



Feb. 17, 2026

Mr. Brian Johnson

Public Service Commission
600 East Boulevard Avenue
Dept 408
Bismarck, North Dakota 58505-0480
ndpsc@nd.gov
(701) 328-2400

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NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dear Mr. Johnson,

This is in response to your request for a review of the environmental impacts associated with the Falkirk Mining Company, Revision 40, Permit NAFK-9503, Case No. RC-25-294, Federal Coal Lease NDM 111489, NW1/4, Section 12, T144N, R84W.

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.

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.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kyle Yrkoski".

Kyle Yrkoski
Planner III

KY:mg/1570