

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Revision 40, Permit NAFK-9503
Application

Case No. RC-25-294

**REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS**

August 26, 2026

Based on the application for **Revision Number 40 to Permit Number NAFK-9503** submitted on November 17, 2025, and all information and documentation contained therein, the North Dakota Public Service Commission (Commission) finds that:

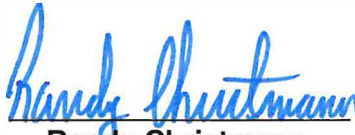
1. The revision application submitted on November 17, 2025, is complete and accurate, and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code (NDAC); and
2. Threatened and endangered species findings were reviewed in consultation with the U.S. Fish and Wildlife Service (USFWS) North Dakota Field Office. Based on that consultation, it was determined that the surface coal mining and reclamation activities proposed in the revision application either will not affect, may affect but are not likely to adversely affect, or may affect but are not likely to jeopardize the continued existence of any listed or proposed threatened or endangered species or any designated or proposed critical habitat.
3. The applicant has received Federal coal lease NDM 111489 covering 160 acres of federal coal in the NW¼ of Section 12, T144, R84W within the permit area. As required by Special Condition No. 1 for Revision 40 to Permit NAFK-9503, no overburden or coal removal may occur on the federal coal tract in the NW¼ of Section 12, T144N, R84W, until the mine plan for the federal coal is approved by the United States Department of the Interior as required by 30 CFR 746.11. Until the mine plan is approved, surface disturbances on the described federal coal tract must be limited to those activities that the Commission determines are necessary for carrying out mining on the adjoining tracts where Falkirk Mining Company has all of the rights necessary to mine the coal, and after the Commission consults with the Bureau of Land Management through the Office of Surface Mining Reclamation and Enforcement (OSMRE) in accordance with NDAC 69-05.2-10-06 and North Dakota's Cooperative Agreement with OSMRE.
4. Performance bonds in the total amount of \$130,000,000 are currently sufficient for the proposed mining and reclamation operations in the consolidated bond area for the Falkirk Mine that includes Permit NAFK-9503.
5. The Commission's other findings that were made when the permit was issued and updated with subsequent permit revisions remain applicable to the revised operation and reclamation plans.

Revision Number 40 to Permit Number NAFK-9503 is hereby conditionally granted to the Falkirk Mining Company. Revision 40 adds mining plans for federal coal in the NW¼ of Section 12, T144N, R84W, and updates the permit's introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans as described in the permit revision application received November 17, 2025.

The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Jill Kringstad
Commissioner