



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

August 26, 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 August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 also updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit.

Revision 40 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 \$130,000,000 for the existing performance bond, which covers this and other permits at the Falkirk Mine, was determined to be adequate at this time. Please be reminded that, as required by Special Condition No. 1 attached to the revision approval document, no overburden or coal removal may occur from the federal coal tract until the mining plan is approved by the Department of the Interior. We will be forwarding the mine plan decision documents to the Office of Surface Mining in the very near future. Enclosed is the original award form for the revision and Special Condition No. 1. If you have any questions, please contact this office.

Sincerely,

A blue ink signature of Jonathan Emmer, written in a cursive style.

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\No. 40\Rev40_Cond_AL_8-26-26



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August 26, 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 August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit. Special Condition No. 1 for Revision 40 prohibits overburden and coal removal from the federal coal tract until the federal mine plan is approved.

Revision 40 was considered a significant alteration to Permit NAFK-9503 and was therefore subject to the public notice requirements. The total amount of \$130,000,000 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 copies of the award form for the revision and Special Condition No. 1. The approved permit will be shared with you via a Microsoft OneDrive link emailed with this letter. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer", is positioned above the printed name.

Jonathan Emmer
Director
Reclamation Division

Enclosures

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

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 40\Rev40_Cond_AL_8-26-26



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Bismarck, ND 58505-0480
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sent via email only

August 26, 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 August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit. Special Condition No. 1 for Revision 40 prohibits overburden and coal removal from the federal coal tract until the federal mine plan is approved.

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Sincerely,

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Jonathan Emmer
Director
Reclamation Division

Enclosures

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

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 40\Rev40_Cond_AL_8-26-26



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600 East Boulevard Ave
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August 26, 2026

Mr. 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 August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit. Special Condition No. 1 for Revision 40 prohibits overburden and coal removal from the federal coal tract until the federal mine plan is approved.

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Jonathan Emmer
Director
Reclamation Division

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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

August 26, 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 August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit. Special Condition No. 1 for Revision 40 prohibits overburden and coal removal from the federal coal tract until the federal mine plan is approved.

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Jonathan Emmer
Director
Reclamation Division

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

sent via email only

August 26, 2026

Beth Jacobson
Interim Director
North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, ND 58503-1324
bjacobso@nd.gov

Dear Ms. Jacobson:

This is to inform you of the Commission's August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit.

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Sincerely,

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Jonathan Emmer
Director
Reclamation Division

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Dept. 408
Bismarck, ND 58505-0480
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August 26, 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 August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit.

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Jonathan Emmer
Director
Reclamation Division

Enclosure

cc via email only: DWR Reg Permits (dwrregpermits@nd.gov)

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

sent via email only

August 26, 2026

Ms. Paula Comeau
ND State Soil Conservation Committee
Dept 7390, PO Box 6050
Fargo, ND 58108-6050
ndsu.ssc@ndsu.edu

Dear Ms. Comeau:

This is to inform you of the Commission's August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit.

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Jonathan Emmer
Director
Reclamation Division

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

sent via email only

August 26, 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 August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit.

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Jonathan Emmer
Director
Reclamation Division

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

sent via email only

August 26, 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 August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit.

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Jonathan Emmer
Director
Reclamation Division

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

sent via email only

August 26, 2026

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

Dear Dr. Peterson:

This is to inform you of the Commission's August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit.

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Jonathan Emmer
Director
Reclamation Division

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

sent via email only

August 26, 2026

Mr. Tom Claeys
State Forester
North Dakota Forest Service
916 E Interstate Ave #4
Bismarck, ND 58503
thomas.claeys@ndsu.edu

Dear Mr. Claeys:

This is to inform you of the Commission's August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit.

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Jonathan Emmer
Director
Reclamation Division

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

sent via email only

August 26, 2026

Dr. Clint Boyd
State Geologist
North Dakota Geological Survey
600 East Boulevard Avenue
Bismarck, ND 58505 0480
caboyd@nd.gov

Dear Dr. Boyd:

This is to inform you of the Commission's August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit.

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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

sent via email only

August 26, 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 August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit.

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Jonathan Emmer
Director
Reclamation Division

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

sent via regular mail

August 26, 2026

Mr. Derrick Fischer
City Commission President
P.O. Box 168
Underwood, ND 58576-0168

Dear President Fischer:

This is to inform you of the Commission's August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit.

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

sent via email and regular mail

August 26, 2026

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

Dear President Lelm:

This is to inform you of the Commission's August 26, 2026, conditional approval of Revision 40 to Surface Coal Mining Permit NAFK-9503 held by the Falkirk Mining Company for the Falkirk Mine. Revision 40 adds plans to the permit for mining the federal coal located in the NW¼ of Section 12, T144N, R84W. Revision 40 updated the introductory, legal, surface and coal interest ownership, geology, operations plans, transportation facilities, and reclamation plans in the permit.

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Jonathan Emmer
Director
Reclamation Division

Enclosure

cc via email only: Chelsey Brandt (washaud@westriv.com)

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