



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 only

August 4, 2026

Mr. Jason Frye
Environmental Specialist
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087
jason.frye@nacoal.com

Dear Mr. Frye:

The Reclamation Division has conducted a completeness review of the application for Revision 41 to Surface Coal Mining Permit NAFK-9503 at the Falkirk Mine. The following items must be adequately addressed before the application can be deemed complete and approval is granted for publication of the permit revision newspaper notice.

Section 1.1.1 – Application Forms

1. Page 1 of the July 6, 2026, revised application form SFN 10562 lists the added acreage at 160.0 acres; however, Section 1.2.1 (Legal Description of Permit Area) indicates 159.5 acres are being added to the permit. Please revise the application form to list 159.5 acres to be consistent with Section 1.2.1. Also, please update Section 1.1.1 to include the revised application form. (BSM/MLJ)

Section 1.2.4 – Newspaper Publication Notice

2. Please update the coal ownership information for Tract 97 in Section 1.2.4 (Newspaper Publication Notice) as the notice incorrectly lists Richard D. Johnson, Ronald L. Johnson, Rhonda M. Johnson, Rodney Edwin Johnson, Robyn Smith, and the North Dakota Department of Trust Lands as remaindermen, not coal owners. (WWS)

Section 1.4 – Surface Owner Protection Act Compliance Information

3. The pit layout depicted in Section 1.4.2h (Surface Owner Notification Map, Proposed Mining Operations) varies from Plate 3.1.5 (Pit Layout and Facilities Map). Please review and revise, as necessary, to ensure the proposed mining operations are consistent among Section 1.4.2h, Plate 3.1.5, and all applicable narratives and maps. (BSM)

Section 3.1.5 – Pit Layout and Facilities Map

4. Special condition one attached to the approval of Revision 20 stated that Falkirk is prohibited from placing overburden stockpiles on unleased federal coal tracts containing minable coal unless such stockpiles are specifically authorized by the Bureau of Land Management. According to

Mr. Jason Frye
August 4, 2026
Page 2 of 2

Section 3.1.5 (Pit Layout and Facilities Map), an overburden pile is depicted above federal coal in Section 12, T145N, R84W. Please revise Section 3.1.5 at this time or during the technical review phase to comply with this special condition. (PJR/JWE)

Section 3.2.2 – Existing Structures Map

5. Please update Section 3.2.2 (Existing Structures Map) to include the SW¼ of Section 32, T145N, R83W in Permit NAFK-9503. (GAW)

Section 4.1.2 – Post-Mining Land Use Map

6. Please update the legend in Section 4.1.2 (Post-Mining Land Use Map) to include descriptions for the LS, TS, and D labels depicted on the map. (TLD)

If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer

Digitally signed by Jonathan Emmer
DN: C=US, E=jemmer@nd.gov,
O=North Dakota Public Service
Commission, CN=Jonathan Emmer
Date: 2026.08.04 14:44:18.05'00'

Jonathan Emmer
Director
Reclamation Division

cc via email only: Steve Burke (steve.burke@nacoal.com)
Tara Voigt (tara.voigt@nacoal.com)

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 41\Rev41_complete_rvw_ltr_8-4-26