



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

sent via email only

September 16, 2026

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

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:

The Falkirk Mining Company has filed an application for Revision 41 to Surface Coal Mining Permit NAFK-9503 for the Falkirk Mine. Revision 41 adds mining plans for the W½ of the NW¼ of Section 32, T145N, R83W, adds additional mining plans for the SE¼ of Section 32, T145N, R83W, and adds the SW¼ of Section 32, T145N, R83W back into the permit with plans for surface disturbance only. The SW¼ of Section 32 was previously removed from the permit in 2023. The post-mine topography was also revised across portions of mined and unmined areas of the permit to achieve permit-wide mass balance and to reflect current mining conditions and the mine plan. The revision also updates the permit's introductory, legal, compliance, surface and coal ownership, pre-mining land use and vegetation, operations plans, blasting, existing structures, extended mine plan, transportation facilities, surface water management, post-mining land use and revegetation, reclamation plans and schedules, and wetland information.

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Sincerely,

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

Jonathan Emmer
Director
Reclamation Division

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

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 41\Rev41_Advsry_rvw_rqst_ltr_9-16-26



Public Service Commission

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600 East Boulevard Ave
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ndpsc@nd.gov

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September 16, 2026

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

Dear Ms. Trent:

The Falkirk Mining Company has filed an application for Revision 41 to Surface Coal Mining Permit NAFK-9503 for the Falkirk Mine. Revision 41 adds mining plans for the W½ of the NW¼ of Section 32, T145N, R83W, adds additional mining plans for the SE¼ of Section 32, T145N, R83W, and adds the SW¼ of Section 32, T145N, R83W back into the permit with plans for surface disturbance only. The SW¼ of Section 32 was previously removed from the permit in 2023. The post-mine topography was also revised across portions of mined and unmined areas of the permit to achieve permit-wide mass balance and to reflect current mining conditions and the mine plan. The revision also updates the permit's introductory, legal, compliance, surface and coal ownership, pre-mining land use and vegetation, operations plans, blasting, existing structures, extended mine plan, transportation facilities, surface water management, post-mining land use and revegetation, reclamation plans and schedules, and wetland information.

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Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

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

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 41\Rev41_Advsry_rvw_rqst_ltr_9-16-26



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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

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September 16, 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:

The Falkirk Mining Company has filed an application for Revision 41 to Surface Coal Mining Permit NAFK-9503 for the Falkirk Mine. Revision 41 adds mining plans for the W½ of the NW¼ of Section 32, T145N, R83W, adds additional mining plans for the SE¼ of Section 32, T145N, R83W, and adds the SW¼ of Section 32, T145N, R83W back into the permit with plans for surface disturbance only. The SW¼ of Section 32 was previously removed from the permit in 2023. The post-mine topography was also revised across portions of mined and unmined areas of the permit to achieve permit-wide mass balance and to reflect current mining conditions and the mine plan. The revision also updates the permit's introductory, legal, compliance, surface and coal ownership, pre-mining land use and vegetation, operations plans, blasting, existing structures, extended mine plan, transportation facilities, surface water management, post-mining land use and revegetation, reclamation plans and schedules, and wetland information.

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Jonathan Emmer
Director
Reclamation Division



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Sheri Haugen-Hoffart

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

September 16, 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:

The Falkirk Mining Company has filed an application for Revision 41 to Surface Coal Mining Permit NAFK-9503 for the Falkirk Mine. Revision 41 adds mining plans for the W½ of the NW¼ of Section 32, T145N, R83W, adds additional mining plans for the SE¼ of Section 32, T145N, R83W, and adds the SW¼ of Section 32, T145N, R83W back into the permit with plans for surface disturbance only. The SW¼ of Section 32 was previously removed from the permit in 2023. The post-mine topography was also revised across portions of mined and unmined areas of the permit to achieve permit-wide mass balance and to reflect current mining conditions and the mine plan. The revision also updates the permit's introductory, legal, compliance, surface and coal ownership, pre-mining land use and vegetation, operations plans, blasting, existing structures, extended mine plan, transportation facilities, surface water management, post-mining land use and revegetation, reclamation plans and schedules, and wetland information.

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Jonathan Emmer
Director
Reclamation Division



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600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
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September 16, 2026

Mr. Clint Boyd
State Geologist
North Dakota Geologic Survey
600 East Blvd. Ave., Dept. 474
Bismarck, ND 58505-0614
caboyd@nd.gov

Dear Mr. Boyd:

The Falkirk Mining Company has filed an application for Revision 41 to Surface Coal Mining Permit NAFK-9503 for the Falkirk Mine. Revision 41 adds mining plans for the W½ of the NW¼ of Section 32, T145N, R83W, adds additional mining plans for the SE¼ of Section 32, T145N, R83W, and adds the SW¼ of Section 32, T145N, R83W back into the permit with plans for surface disturbance only. The SW¼ of Section 32 was previously removed from the permit in 2023. The post-mine topography was also revised across portions of mined and unmined areas of the permit to achieve permit-wide mass balance and to reflect current mining conditions and the mine plan. The revision also updates the permit's introductory, legal, compliance, surface and coal ownership, pre-mining land use and vegetation, operations plans, blasting, existing structures, extended mine plan, transportation facilities, surface water management, post-mining land use and revegetation, reclamation plans and schedules, and wetland information.

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Please review the revision application with regard to your agency's areas of responsibility and technical expertise. Please provide any revision application review comments by November 2, 2026, in accordance with NDAC 69-05.2-10-01(2). If you have any questions, please contact this office.

Sincerely,

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Jonathan Emmer
Director
Reclamation Division

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 41\Rev41_Advsry_rvw_rqst_ltr_9-16-26



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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

September 16, 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,

The Falkirk Mining Company has filed an application for Revision 41 to Surface Coal Mining Permit NAFK-9503 for the Falkirk Mine. Revision 41 adds mining plans for the W½ of the NW¼ of Section 32, T145N, R83W, adds additional mining plans for the SE¼ of Section 32, T145N, R83W, and adds the SW¼ of Section 32, T145N, R83W back into the permit with plans for surface disturbance only. The SW¼ of Section 32 was previously removed from the permit in 2023. The post-mine topography was also revised across portions of mined and unmined areas of the permit to achieve permit-wide mass balance and to reflect current mining conditions and the mine plan. The revision also updates the permit's introductory, legal, compliance, surface and coal ownership, pre-mining land use and vegetation, operations plans, blasting, existing structures, extended mine plan, transportation facilities, surface water management, post-mining land use and revegetation, reclamation plans and schedules, and wetland information.

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Jonathan Emmer
Director
Reclamation Division

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

sent via email only

September 16, 2026

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

Dear Dr. Peterson:

The Falkirk Mining Company has filed an application for Revision 41 to Surface Coal Mining Permit NAFK-9503 for the Falkirk Mine. Revision 41 adds mining plans for the W½ of the NW¼ of Section 32, T145N; R83W, adds additional mining plans for the SE¼ of Section 32, T145N, R83W, and adds the SW¼ of Section 32, T145N, R83W back into the permit with plans for surface disturbance only. The SW¼ of Section 32 was previously removed from the permit in 2023. The post-mine topography was also revised across portions of mined and unmined areas of the permit to achieve permit-wide mass balance and to reflect current mining conditions and the mine plan. The revision also updates the permit's introductory, legal, compliance, surface and coal ownership, pre-mining land use and vegetation, operations plans, blasting, existing structures, extended mine plan, transportation facilities, surface water management, post-mining land use and revegetation, reclamation plans and schedules, and wetland information.

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Please review the revision application with regard to your agency's areas of responsibility and technical expertise. Please provide any revision application review comments by November 2, 2026, in accordance with NDAC 69-05.2-10-01(2). If you have any questions, please contact this office.

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Jonathan Emmer
Director
Reclamation Division

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Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

sent via inside mail

September 16, 2026

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

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:

The Falkirk Mining Company has filed an application for Revision 41 to Surface Coal Mining Permit NAFK-9503 for the Falkirk Mine. Revision 41 adds mining plans for the W½ of the NW¼ of Section 32, T145N, R83W, adds additional mining plans for the SE¼ of Section 32, T145N, R83W, and adds the SW¼ of Section 32, T145N, R83W back into the permit with plans for surface disturbance only. The SW¼ of Section 32 was previously removed from the permit in 2023. The post-mine topography was also revised across portions of mined and unmined areas of the permit to achieve permit-wide mass balance and to reflect current mining conditions and the mine plan. The revision also updates the permit's introductory, legal, compliance, surface and coal ownership, pre-mining land use and vegetation, operations plans, blasting, existing structures, extended mine plan, transportation facilities, surface water management, post-mining land use and revegetation, reclamation plans and schedules, and wetland information.

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According to Article 3 of our April 29, 2026 MOU, DWR needs to determine if a conditional construction permit can be issued for the diversions and sediment ponds proposed with Revision 41. Please review the revision application with regard to your agency's areas of responsibility and technical expertise, and for compliance with NDAC 69-05.2-16-03. Please provide any review comments by November 2, 2026, in accordance with NDAC 69-05.2-10-01(2). 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

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

Falkirk Mine\Permits\NAFK - 9503\Revisions\No. 41\Rev41_Advsry_rvw_rqst_ltr_9-16-26



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Sheri Haugen-Hoffart

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

September 16, 2026

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

Dear Ms. Comeau:

The Falkirk Mining Company has filed an application for Revision 41 to Surface Coal Mining Permit NAFK-9503 for the Falkirk Mine. Revision 41 adds mining plans for the W½ of the NW¼ of Section 32, T145N, R83W, adds additional mining plans for the SE¼ of Section 32, T145N, R83W, and adds the SW¼ of Section 32, T145N, R83W back into the permit with plans for surface disturbance only. The SW¼ of Section 32 was previously removed from the permit in 2023. The post-mine topography was also revised across portions of mined and unmined areas of the permit to achieve permit-wide mass balance and to reflect current mining conditions and the mine plan. The revision also updates the permit's introductory, legal, compliance, surface and coal ownership, pre-mining land use and vegetation, operations plans, blasting, existing structures, extended mine plan, transportation facilities, surface water management, post-mining land use and revegetation, reclamation plans and schedules, and wetland information.

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Jonathan Emmer
Director
Reclamation Division



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

September 16, 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:

The Falkirk Mining Company has filed an application for Revision 41 to Surface Coal Mining Permit NAFK-9503 for the Falkirk Mine. Revision 41 adds mining plans for the W½ of the NW¼ of Section 32, T145N, R83W, adds additional mining plans for the SE¼ of Section 32, T145N, R83W, and adds the SW¼ of Section 32, T145N, R83W back into the permit with plans for surface disturbance only. The SW¼ of Section 32 was previously removed from the permit in 2023. The post-mine topography was also revised across portions of mined and unmined areas of the permit to achieve permit-wide mass balance and to reflect current mining conditions and the mine plan. The revision also updates the permit's introductory, legal, compliance, surface and coal ownership, pre-mining land use and vegetation, operations plans, blasting, existing structures, extended mine plan, transportation facilities, surface water management, post-mining land use and revegetation, reclamation plans and schedules, and wetland information.

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Jonathan Emmer
Director
Reclamation Division



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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

September 16, 2026

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

Dear Ms. Jacobson:

The Falkirk Mining Company has filed an application for Revision 41 to Surface Coal Mining Permit NAFK-9503 for the Falkirk Mine. Revision 41 adds mining plans for the W½ of the NW¼ of Section 32, T145N, R83W, adds additional mining plans for the SE¼ of Section 32, T145N, R83W, and adds the SW¼ of Section 32, T145N, R83W back into the permit with plans for surface disturbance only. The SW¼ of Section 32 was previously removed from the permit in 2023. The post-mine topography was also revised across portions of mined and unmined areas of the permit to achieve permit-wide mass balance and to reflect current mining conditions and the mine plan. The revision also updates the permit's introductory, legal, compliance, surface and coal ownership, pre-mining land use and vegetation, operations plans, blasting, existing structures, extended mine plan, transportation facilities, surface water management, post-mining land use and revegetation, reclamation plans and schedules, and wetland information.

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Please review the revision application with regard to your agency's areas of responsibility and technical expertise, and for compliance with NDAC 69-05.2-16-02. Please provide any revision application review comments by November 2, 2026, in accordance with NDAC 69-05.2-10-01(2). If you have any questions, please contact this office.

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Jonathan Emmer
Director
Reclamation Division