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PUBLIC SERVICE COMMISSION

Oct. 21, 2026

Jonathan Emmer
600 E Boulevard Ave
Bismarck, ND 58505

Dear Mr. Emmer,

This is in response to your request for a review of the environmental impacts associated with the Revision 42 to Surface Coal Mining Permit NAFK-8705 held by the Falkirk Mining Company.

The proposed project has been reviewed by the 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 effective Flood Insurance Rate Map and state minimum standards. However, flood risk has been identified through the North Dakota Risk Assessment Map Service and Base Level Engineering (BLE) (ndram.dwr.nd.gov). In the absence of FEMA NFIP data, BLE is often considered the best available data and is recommended for consideration 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, which have zoning authority for the area in question. Please work directly with the local floodplain administrators for the impacted zoning authorities. For additional information, contact Tyler Spomer, NFIP Coordinator, at (701)-328-2452 or tlspomer@nd.gov.

- The DWR Engineering and Permitting Section reviewed Revision 42 to NAFK-8705 and determined that no permits for surface drains, dikes (levees), or diversions are required. Please contact the Regulatory Division at dwrregpermits@nd.gov or (701)-328-2750 with questions regarding these regulations.

45 RC-25-184 Filed 10/23/2026 Pages: 2
Revision 42 Approval Notice Response

North Dakota Department of Water Resources (DWR)
Cory Drevecky

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at (701)-328-4967 or cjdrevecky@nd.gov.

Sincerely,



Cory Drevecky
Planner IV

CD:mg/1570