



Public Service Commission

State of North Dakota

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INSPECTION REPORT

DATE OF INSPECTION: June 3, 2009

TYPE OF INSPECTION: Partial

PERMITTEE - MINE: Falkirk Mining Company - Falkirk Mine

PERMITS INSPECTED: NAFK-8705, NAFK-8405

PERSON ACCOMPANYING INSPECTORS: Len Friedt

INSPECTION CONDITIONS: The inspection was conducted between 1:50 p.m. and 3:55 p.m., CDT. Skies were mostly cloudy. The temperature was near 65° F. Access was good.

SUMMARY

The purpose of this inspection was to look at grade approval area W28A, the stripping limits that were staked out for the haul road in Permit NAFK-8405 and an area that had topsoil stripped.

SURFACE WATER MANAGEMENT

The soil stripping and water management plans for the haul road in Sections 13 and 14 of Permit NAFK-8405 were reviewed in the field. Just outside the proposed stripping limits for the haul road in Section 14 of Permit NAFK-8405 there are a few wetlands, specifically the large wetland in the north central part of the SW¹/₄, that need to be protected by some sort of Best Management Practices (BMP's). Also any topsoil that is piled on the north side of the haul road, in the deadhead route, needs to be maintained via BMPs and appropriately marked.

BACKFILLING AND GRADING

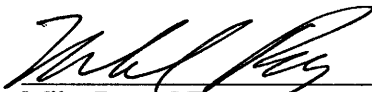
Grade approval tract W28A was inspected. As noted in previous inspection reports various differential settling areas were noted as needing some work. These depressions need to be filled with spoil material. Also some ruts need to be knocked down, large rocks removed, and coal fines from the snow removal need to be leveled out. Field grade approval was not granted during the inspection, and the area will need to be inspected again.

SUITABLE PLANT GROWTH MATERIAL REMOVAL/RESPREAD

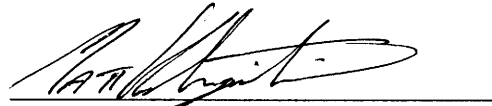
The topsoil removal area in the SE¼ of Section 5 in Permit NAFK-8705 for which NOV-0903 will be issued was reviewed in the field. A strip about 30' wide by 100' long had topsoil removed and placed on a stockpile just north of the removal area.

MISCELLANEOUS

A track log and two pictures of the grade approval area are attached.



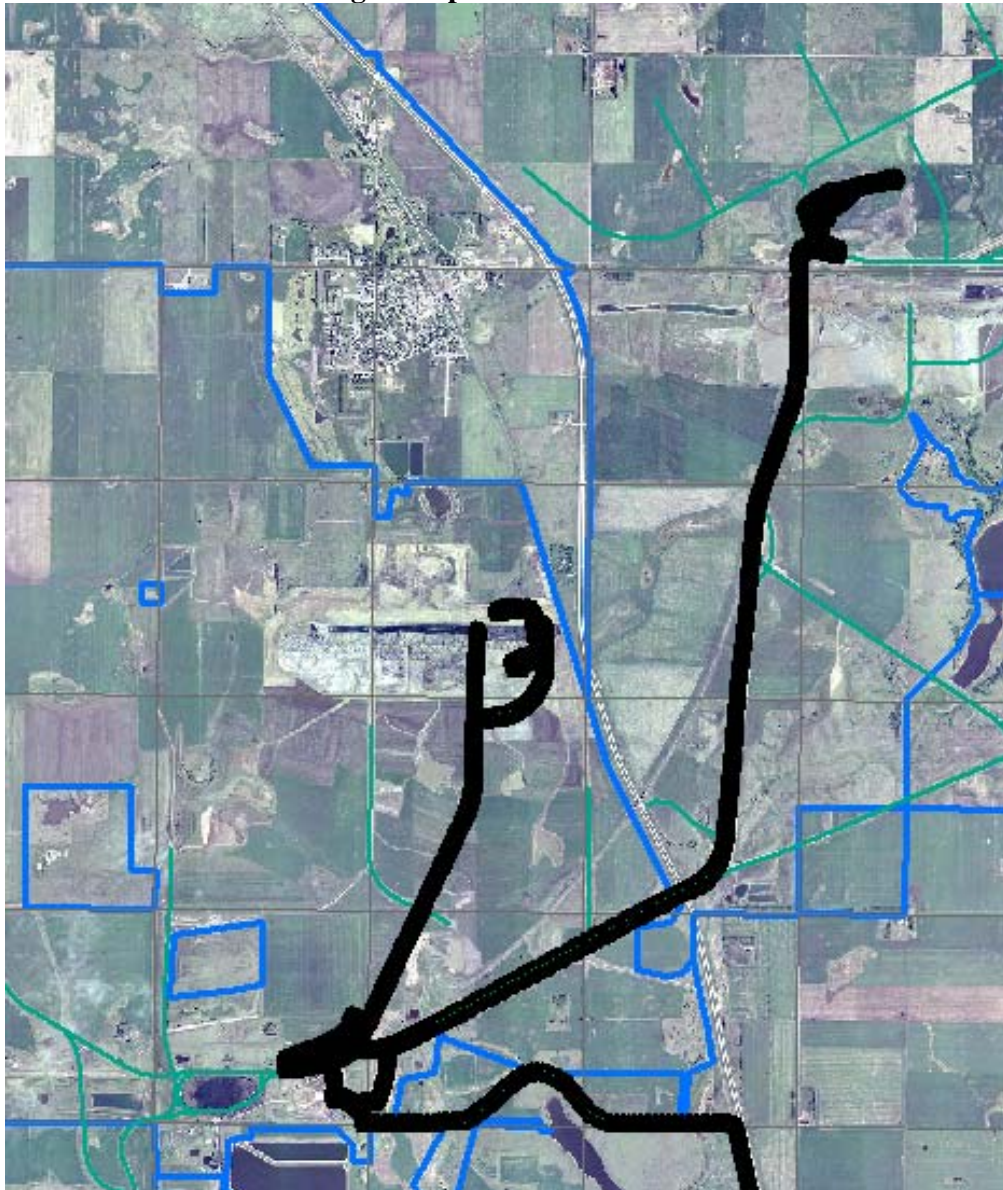
Mike Berg, PE
Environmental Engineer



Matt Klingenstein
Environmental Engineer

cc: Joe Clarke
OSM Casper Field Office
McLean County Auditor

Track Log of Inspection Outlined in Black



Looking west at ruts and differential settling along the north edge of GA W28A.



Looking east at largest area of differential settling in GA W28A.

