



Public Service Commission State of North Dakota

JWE

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INSPECTION REPORT

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DATE OF INSPECTION: October 26, 2022
TYPE OF INSPECTION: Final Bond Release Inspection
PERMITTEE - MINE: Falkirk Mining Company - Falkirk Mine
PERMITS INSPECTED: NAFK-8405
PERSONS ACCOMPANYING INSPECTORS: Jason Frye, Steve Burke, Luke Gilbert, Steve Cottingham, and Tanner Jochim
INSPECTION CONDITIONS: The inspection was conducted between 9:50 a.m. and 1:00 p.m. CDT. Skies were mostly sunny, and the temperature was near 45° F. The wind was from the southwest at 5 mph. Access was unrestricted.

GENERAL

The purpose of this inspection was to evaluate the reclamation of lands included in the application for Final Bond Release No. 4 to Permit NAFK-8405. Final bond release No. 4 comprises 289.6 acres located in the SW¼ of Section 22 and the NW¼ of Section 27. The tract is owned by Chad Berg, subject to a contract for Deed to Michael Berg. The entire tract has been disturbed by mining and includes 272.3 acres of cropland, two seasonal wetlands totaling 8.1 acres, and a two-row conservation shelterbelt planting of 0.9 acres. A reconstructed county road, consisting of 5.4 acres, is located between Sections 22 and 27 and an industrial area associated with a tower, 0.2 acres, is located on the west side of the SW¼ Section 22 are also included in the bond release tract.

The surface owners, Natural Resource Conservation Service, ND State Soil Conservation Committee, ND Game and Fish, US Fish & Wildlife Service, ND Department of Environmental Quality, and the McLean County Commission were invited to participate in the bond release inspection.

REVEGETATION

The reclaimed cropland in Sections 22 and 27 were planted to annually seeded crops in 2022. The NW¼ of Section 27 had wheat stubble, and straw had been baled (**Figure 1**). The reclaimed cropland had surface undulations in the SE¼SW¼ of Section 27, but the surface irregularity did not appear to impede any planting or harvesting of the cropland. The surface undulations also did not appear to retain water. The grassed waterway in the W½NW¼ of Section 27 is well established with perennial vegetation and functioning as intended. The SW¼ of Section 22 had standing unharvested corn (**Figure 2**). The corn appeared to be ready for harvest and appears to have suffered from wind damage. Each plant was only supporting a single cob that was smaller in size than normally observed. The entire S½ of Section 22 is fenced with barbed wire and a fence has been installed along the east side of the NW ¼ of Section 27.

Reclaimed season wetlands R-E27-01 and R-E27-02 were both dry (**Figures 3 & 4**). Volunteer trees and shrubs, primarily cottonwood and sandbar willow, have established around the perimeter of reclaimed

wetland R-E27-01 and throughout the pool area of reclaimed wetland R-E27-02. The vegetation throughout the bottoms of both wetlands indicates that these wetlands typically do not hold water for an extended period. Species observed growing in the shallow marsh and wet meadow zones in these wetlands included reed canary grass, slough sedge, smartweed, common cattail, curly dock, and other species. The low prairie zone is supporting smooth brome grass, Kentucky bluegrass, quack grass, alfalfa, switchgrass, and other species. The wetland buffer zone around these wetlands is established with perennial vegetation consisting primarily of Kentucky bluegrass, alfalfa, smooth brome grass, and big bluestem. The wetland buffer zone is managed as hayland and bales from this year's harvest have not been removed. These wetlands provide landscape diversity and cover for a wide range of wildlife species.

The two-row tree planting north of reclaimed wetland R-E27-01 provides a boundary between the cropland and the wetland buffer zone. Buffalo berry and chokecherry are the principal species growing but Hanson hedge rose was reportedly planted. There are gaps in the rows in this field windbreak, but the established shrubs appear healthy and have expanded by root suckering to form thickets around the parent tree/shrub. This windbreak is providing landscape and habitat diversity.

The ditches associated with the reclaimed county road between Sections 22 and 27 are well established with herbaceous vegetation, primarily smooth brome grass. The established vegetation is providing excellent ground cover and protection from erosion. These ditches were not hayed or mowed in 2022.

SUITABLE PLANT GROWTH MATERIAL REMOVAL/RESPREAD

Soil respread thicknesses of all reclaimed areas within the bond release tract have been previously verified by Reclamation Division staff.

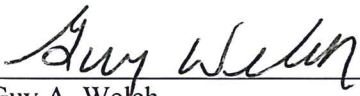
ROADS

The county road between Sections 22 and 27, east of Highway 83, has been reclaimed (**Figure 5**) but will remain closed to the public because the road crosses a primary Falkirk haulroad.


MISCELLANEOUS

A pile of used steel and wood posts and barbed wire was observed on the south side of the SW¹/₄ of Section 22 near the approach from the county road. Falkirk representatives mentioned that the landowner had requested this material for future use.

The GPS point track log of the inspection route (**Figure 6**) and additional photographs taken during the inspection are on file with the Reclamation Division.



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Figure 1. Reclaimed Cropland in NW¼ of Section 27.



Figure 2. Standing corn crop on reclaimed cropland in SW¼ of Section 22.



Figure 3. Seasonal wetland R-E27-01.



Figure 4. Seasonal wetland R-E27-02.



Figure 5. East-west section-line county road – facing east

