



Public Service Commission

MLD

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INSPECTION REPORT

DATE OF INSPECTION: November 26, 2024

TYPE OF INSPECTION: Partial

PERMITTEE - MINE: Falkirk Mining Company - Falkirk Mine

PERMITS INSPECTED: NAFK-9601

PERSONS ACCOMPANYING INSPECTORS: Tanner Jochim, Jason Frye and Steve Burke representing the Falkirk Mine, and Jerry Reinisch-USFWS

INSPECTION CONDITIONS: The inspection was conducted between 9:30 a.m. and 11:30 a.m. CST. Skies were overcast with winds from the northwest at 5 to 10 mph. The temperature ranged from 8 to 12° F. Access was unrestricted.

GENERAL

The purpose of this inspection was to evaluate the reclamation of lands associated with Final Bond Release No. 6 to Surface Coal Mining Permit NAFK-9601. The final bond release application contains two tracts (6A and 6B) consisting of approximately 394.2 acres in Sections 30 and 31, T146N, R81W, McLean County (**Figure 1**). Tract 6A consists of approximately 93.9 acres in the SE¼ of Section 30, and the post mine land uses are reclaimed cropland, a temporary wetland, and section line trail. Tract 6B consists of approximately 300.3 acres in the S½ of Section 31, and the reclaimed post mine land uses are cropland, three temporary wetlands, and a seasonal wetland. The undisturbed land in tract 6B consists of cropland, a seasonal wetland, a temporary wetland, native grasslands, shelterbelts, an old farmstead, a portion of section line trail, County Road 16, and portions of State Highway 200A. All land in this bond release application is owned by the Falkirk Mining Company. Jerry Reinisch from USFWS participated in the inspection. OSMRE, McLean County Commissioners, ND Game and Fish, ND DEQ, the NRCS District Conservationist, and the NRCS State Office were invited but did not participate in the inspection.

SUITABLE PLANT GROWTH MATERIAL REMOVAL/RESPREAD

Mining related disturbances were initiated in 1996 and the final coal was removed in 2003. Coal was removed in tract 6A from 1999 to 2003 and in tract 6B from 1996 to 1998. Final grading was completed in 2006. SPGM respread and initial seeding was completed in 2006 for tract 6A. Tract 6B was respread

and seeded in 2007. Soil probing for assessing suitable plant growth material (SPGM) respread thicknesses in Sections 30 and 31 of Bond Release No. 6 within Permit NAFK-9601 was completed in September and October of 2004, and July of 2009. The 2004 and 2009 SPGM thickness assessments were completed in conjunction with Partial Bond Release No. 2 and Partial Bond Release No. 3, respectively, located in portions of Sections 25, 30, 31 and 36. The results of the SPGM thickness assessments were deemed adequate.

REVEGETATION

Reclaimed cropland in tracts 6A and 6B were initially seeded to a pre-crop seed mixture of Russian Wildrye, Intermediate Wheatgrass, Pubescent Wheatgrass, and Alfalfa. These areas were hayed until the lands were completely broken up and cropped in 2015, although portions of Tract 6B were cropped since 2003. Since 2015, the reclaimed cropland has been seeded with corn, wheat, soybeans, sunflowers, and pinto beans. Both tracts were planted in soybeans in 2024.

Falkirk staff provided a brief history of reclaimed wetland SE31-1, which is a 1.55-acre seasonal wetland in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31. This reclaimed wetland is in a basin where pre-mine temporary wetland T-SE31-3 existed. This pre-mine temporary wetland was affected by sediment pond P-I31-01. Reclaimed wetland SE31-1 was designed to hold approximately 1 foot of water. This wetland is surrounded by cropland, and steel posts have been placed around the perimeter of the wetland to maintain a grass buffer zone between the cropland and wetland basin. It appeared the cropland field may be encroaching into the northwest portion of the wetland basin. An accumulation of snow obscured the vegetation established in the wetland basin, but several wetland plant species were identified including cattails, reed canarygrass, curly dock, common spikerush, quackgrass, water plantain, smartweed, foxtail barley, common milkweed and American sloughgrass. The shallow-marsh zone was not dominated with cattails as commonly observed in seasonal wetlands. Thus, it appears this wetland may be functioning as a temporary wetland during periods of drought. Attachment X (Wetland) of the Final Bond Release No. 6 application includes line drawings, water quality, and a complete species composition list of the wetlands.

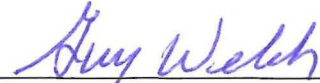
The reclaimed cropland included in this bond release application was inspected. No significant rills or gullies were observed. Small portions in both tracts had recently been tilled. The purpose of this fall tillage was not known by Falkirk staff. The reclaimed cropland blends appropriately into adjacent undisturbed lands and the contour is consistent with the approved post-mining topography. Surface roughness, presumably from differential settling, was observed on the reclaimed cropland in tract 6A. In some instances, it appeared that up to 2 feet of settling has occurred. It appeared that water may temporarily pond in a few small low areas formed by differential settling in tract 6A, but these areas were seeded and produced a crop in 2024. Minor differential settling where water may periodically pond was also apparent in tract 6B. Two small depressions along the northern boundary of tract 6B were more prominent and they were not seeded last spring, presumably due to ponded water or muddy conditions. All areas that were seeded were able to be harvested. Rocks have been piled along the northern boundary of tract 6B.

ROADS

The southern border of tract 6A in Section 30 was reclaimed as a section line trail. A thin layer of gravel had been recently placed on the reclaimed road. Attachment VII (Reclamation History) the Final Bond Release No. 6 application includes correspondence from the McLean County Superintendent of Highways confirming that the section line trail was reclaimed to township road standards.

MISCELLANEOUS

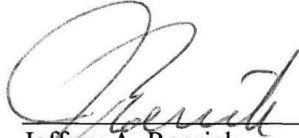
All photographs taken and a GPS tracklog depicting the route traveled (**Figure 1**) are on file with the Reclamation Division.



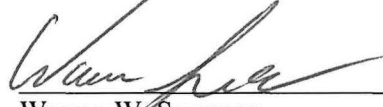
Guy A. Welch
Permit Administrator



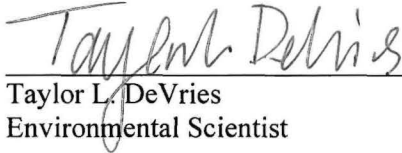
Preston J. Ripplinger
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Figure 1: Final Bond Release No. 6 to NAFK-9601

