



U.S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING

Mine Site Evaluation State Program



<p>1. Permittee/Person THE FALKIRK MINING COMPANY</p> <p>2. Address 2801 1ST ST SW</p> <p>3. City UNDERWOOD</p> <p>4. State ND</p> <p>5. Zip Code 585761087</p> <p>6. Phone Number (701) 442-5751</p> <p>7. Operator Name, if Different than Permittee THE FALKIRK MINING CO.</p> <p>8. Mine Name FALKIRK MINE</p>	<p>9. Permit Number NAFK-9601</p> <p>10. Permit Type PP</p> <p>11. Field Visit Date 4/8/2025 <small>mm - dd - yyyy</small></p> <p>12. Purpose OBR3</p> <p>13. SRA Present Y</p> <p>14. Permit Status IN</p> <p>15. Site Status P3</p> <p>16. Facility Type AD</p> <p>17. OSM Office # 010</p> <p>18. CCID # </p> <p>19. Land Code SF</p> <p>20. M.S.H.A. ID # </p> <p>21. State Abbrev. ND</p> <p>22. County/Burrough MCLEAN</p> <p>23. AVS Permittee Entity ID Number 84640</p> <p>24. State Office </p>
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<p>25. Hours</p> <table style="width: 100%;"> <tr><td style="border: 1px solid black; width: 50px; text-align: center;">2.0</td><td>a. Permit Review</td></tr> <tr><td style="border: 1px solid black; width: 50px; text-align: center;">1.5</td><td>b. Site Visit Time</td></tr> <tr><td style="border: 1px solid black; width: 50px; text-align: center;">8.0</td><td>c. Travel Time</td></tr> <tr><td style="border: 1px solid black; width: 50px; text-align: center;">2.0</td><td>d. Report Writing</td></tr> </table>	2.0	a. Permit Review	1.5	b. Site Visit Time	8.0	c. Travel Time	2.0	d. Report Writing	<p>26. Signature Block</p> <p style="text-align: center;">Signature: _____ John Sieving, ID#448 Inspector's Name: Date: 4/17/2025</p>	<p>27. Reviewing Official:</p> <p style="text-align: center;">Signature: _____ Reviewer's Name: Date: _____</p>
2.0	a. Permit Review									
1.5	b. Site Visit Time									
8.0	c. Travel Time									
2.0	d. Report Writing									

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12
Oxx...Oversight **RFx...**Reclamation Fees **CCR..**Citizen Complaint Referral (non-site visit)
Axx...Assistance **Fxx...**Federal Actions **CC....**Citizen Complaint (initial site visit)
CCF...Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

Permit Status - Item 14

<p>A Active: Coal mining activities occurring or permitted but not yet disturbed.</p> <p>IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.</p> <p>BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).</p>	<p>AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840:11(g).</p> <p>AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.</p> <p>AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.</p> <p>AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.</p> <p>NA Not Applicable: When site is unpermitted.</p>	
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<p>Site Status - Item 15</p> <p>ND No Disturbance: No coal mining and reclamation operations have been started.</p> <p>EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.</p> <p>AP Active Coal Producing: Coal surface mining activities are occurring.</p> <p>AN Active Non-Producing: Active non-producing facility such as tippel or preparation plant.</p> <p>NM No Mining: The Permit Status is active, site is in Temporary Cessation, no surface coal mining activity, and site not regraded.</p>	<p>MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.</p> <p>TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817:13(b).</p> <p>P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.</p> <p>P2 Phase II Release: At least Phase II bond release for the entire permitted area.</p> <p>P3 Phase III Release: Reclamation completed and the RA has released all bond.</p>	<p>NS Non-Site Visit: Status of site not determined.</p> <p>FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.</p> <p>FR Forfeited and Reclaimed: Forfeiture reclamation completed.</p> <p>FO Abandoned Site: Abandoned site that is permitted but there is no bond.</p> <p>WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.</p>
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Facility Type Codes - Item 16

<p>A....Surface</p> <p>B....Underground</p> <p>C....Preparation Plant</p>	<p>D....Ancillary (Haulroad, Conveyor, and/or Rails</p> <p>E....Refuse and/or Impoundment</p> <p>F....Loading Facility and/or Tlpple</p> <p>G....Stockpiles</p>	<p>H....Exploration Permits</p> <p>I....Notice of Intent to Explore</p> <p>J....Exempt 16 and 2/3</p>
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Small Business Regulatory Enforcement Fairness Act (SBREFA)

Your Comments are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation

Permittee/ Person	THE FALKIRK MINING COMPANY	Permit Number	NAFK-9601	Field Visit Date	4/8/2025	State Program Continuation Page
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28. Performance Standard Categories

Codes:1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

<p>A. Administrative</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Mining within Valid Permit 2. <input type="checkbox"/> Mining within Bonded Area 3. <u>1</u> Terms & Conditions of Permit 4. <input type="checkbox"/> Liability Insurance 5. <input type="checkbox"/> Ownership and Control 6. <input type="checkbox"/> Temporary Cessation 7. <input type="checkbox"/> AML Rec. Fees - Non-Respondent 8. <input type="checkbox"/> AML Rec. Fees - Failure to Pay <p>B. Hydrologic Balance</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Inspections & Certifications 3. <input type="checkbox"/> Siltation Structures 4. <input type="checkbox"/> Discharge Structures 5. <input type="checkbox"/> Diversions 6. <input type="checkbox"/> Effluent Limits 7. <u>1</u> Ground Water Monitoring 8. <u>1</u> Surface Water Monitoring 9. <input type="checkbox"/> Drainage - Acid-Toxic Materials 10. <input type="checkbox"/> Impoundments 11. <input type="checkbox"/> Stream Buffer Zones <p>C. Topsoil & Subsoil</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Removal 2. <input type="checkbox"/> Substitute Materials 3. <input type="checkbox"/> Storage and Protection 4. <input type="checkbox"/> Redistribution 	<p>D. Backfilling & Grading</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Exposed Openings 2. <input type="checkbox"/> Contemporaneous Reclamation 3. <input type="checkbox"/> Approximate Original Contour 4. <input type="checkbox"/> Highwall Elimination 5. <input type="checkbox"/> Steep Slopes (includes downslope) 6. <input type="checkbox"/> Handling of Acid and Toxic Materials 7. <input type="checkbox"/> Stabilization (rills and gullies) <p>E. Excess Spoil Disposal</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Placement 2. <input type="checkbox"/> Drainage Control 3. <input type="checkbox"/> Surface Stabilization 4. <input type="checkbox"/> Inspections & Certifications <p>F. Coal Mine Waste (Refuse Piles/Impoundments)</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Surface Stabilization 3. <input type="checkbox"/> Placement 4. <input type="checkbox"/> Inspections & Certifications 5. <input type="checkbox"/> Impounding Structures <p>G. Use of Explosives</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Blaster Certification 2. <input type="checkbox"/> Distance Prohibitions 3. <input type="checkbox"/> Blast Survey/Schedule 4. <input type="checkbox"/> Warnings & Records 5. <input type="checkbox"/> Control of Adverse Effects 	<p>H. <input type="checkbox"/> Subsidence Control Plan</p> <p>I. Roads</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Road Construction 2. <input type="checkbox"/> Certification 3. <input type="checkbox"/> Drainage 4. <input type="checkbox"/> Surfacing and Maintenance 5. <u>1</u> Reclamation <p>J. Signs & Markers</p> <ol style="list-style-type: none"> 1. <u>1</u> Signs 2. <input type="checkbox"/> Markers <p>K. <u>1</u> Distance Prohibitions</p> <p>L. Revegetation</p> <ol style="list-style-type: none"> 1. <u>1</u> Vegetative Cover 2. <u>1</u> Timing <p>M. <u>1</u> Postmining Land Use</p> <p>N. Other</p> <p>General Performance Category</p> <p>_____</p> <p>_____</p> <p>_____</p>
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Performance Standard Categories 30 CFR Counterparts

<p>A. Administrative 1. Valid Permit 773.11 2. Mining within Bonded Area 773.11 3. Terms & Conditions of Permit 773.17 4. Liability Insurance 800.60 5. Ownership and Control 778.13 6. Temporary Cessation §42.11(e) & §16/817.131 7. AML Rec. Fees -- Non-Respondent §70.15(b) 8. AML Rec. Fees -- Failure to Pay §70.15(a)</p> <p>B. Hydrologic Balance (816/817.41-57) 1. Drainage Control 45 2. Inspections & Certifications 49(a)(10) 3. Siltation Structures 46 4. Discharge Structures 47 5. Diversions 43 6. Effluent Limits 42 7. Ground Water Monitoring 41(c) 8. Surface Water Monitoring 41(e) 9. Drainage--Acid - Toxic Materials 41(f) 10. Impoundments 49 11. Stream Buffer Zones 57</p> <p>C. Topsoil & Subsoil (816/817.22) 1. Removal 22(a) 2. Substitute Materials 22(c) 3. Storage and Protection 22(c) 4. Redistribution 22(d)</p> <p>D. Backfilling & Grading 816/817.95-107 1. Exposed Openings §16/817.13, 14, 15, & §23.11 & 21 2. Contemporaneous Reclamation 100 3. Approximate Original Contour 102(a)(1) 4. Highwall Elimination 102(a)(2) 5. Steep Slopes (includes downslope) 107 6. Handling of Acid & Toxic Materials 102(c) 7. Stabilization (rills and gullies) 95(b)</p>	<p>E. Excess Spoil Disposal (816/817.71-74) 1. Placement 71(e) 2. Drainage Control 71(f) 3. Surface Stabilization 71(g) 4. Inspections & Certifications 71(h)</p> <p>F. Coal Mine Waste (Refuse Piles/Impoundments) 816/817.81-84 1. Drainage Control 83(a) 2. Surface Stabilization 83(b) 3. Placement 83(c) 4. Inspections and Certifications 83(d) 5. Impounding Structures 84</p> <p>G. Use of Explosives (816/817.61-68) 1. Blaster Certification 61(c) 2. Distance Prohibitions 61(d) 3. Blast Survey/Schedule 62-64 4. Warnings & Records 66 & 68 5. Control of Adverse Effects 67</p> <p>H. Subsidence Control Plan (817.121-122)</p> <p>I. Roads (816/817.150-151) 1. Road Construction 150(c) 2. Certification 151(a) 3. Drainage 150(b)-151(d) 4. Surfacing and Maintenance 150(e)-151(d) 5. Reclamation 150(f)</p> <p>J. Signs & Markers 816/817.111 1. Signs 11(a),(b),&(c) 2. Markers 11(a),(b),(d),(e),&(f)</p> <p>K. Distance Prohibitions (761.11)</p> <p>L. Revegetation (816/817.111-116) 1. Vegetative Cover 111 & 116 2. Timing 113</p> <p>M. Postmining Land Use (816/817.133)</p>
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United States Department of the Interior

OFFICE OF SURFACE MINING
 RECLAMATION AND ENFORCEMENT
 Casper Area Office
 PO Box 11018
 150 East B Street, Room 1018



OSMRE Mine Site Inspection							
Permittee/ Operator with Address	Falkirk Mining Company/ Falkirk Mine PO Box 1087 Underwood, ND 58576 (701) 441-5751						
Permit Number	NAFK-9601	Permit Status	Active (A)		Date(s) of Inspection	April 8, 2025	
Non-Fed Acres: 1,923.64		Fed Acres: 125.0			Total Acres: 2,048.64		
Type of Inspection	Federal Complete	Federal Partial		Bond Release	X	Other	
Inspector	John Sieving, ID#448						
Participants	John Sieving (OSM), Jeff Roerick (PSC), Warren Swenson (PSC), Jason Frye (FMC), Tanner Jochim (FMC)						
Weather Conditions	Partly cloudy to clear, mild			Ground Conditions	Mostly dry with some mud, full access		
Area(s) of Inspections	Lands associated with Permit NAFK-9601, Final Bond Release No. 6. This bond release area is located in T146N R81W, SE30 and S31.						

Inspection Narrative

GENERAL

The purpose of this inspection is to evaluate the reclamation of lands associated with Permit NAFK-9601, Final Bond Release No. 6. This bond release area is located in T146N R81W, SE30 and S31. The package requests the release of all remaining bond for 394.2 acres and a bond reduction of \$353,998.73. The new reclamation liability will be \$2,477,808.93.

The NDPSC previously conducted an inspection to evaluate Bond Release No. 6 on November 26, 2024. The PSC reviewed SPGM thickness assessments, reclamation of the section line trails, evaluated wetland SE31-1, a 1.55 acres seasonal wetland in Subtract 6B-1 and noted minor differential settling features in the cropland.

The OSMRE field inspection was conducted April 8th, 2025, between 11:00 am and 12:30 pm. Participants included Jeff Roerick and Warren Swenson, from the Public Service Commission, and Jason Frye and Tanner Jochim, from the Falkirk Mining Company.

The bond release area is divided into four subtracts, 6A-1, 6A-2, 6B-1 and 6B-2. Subtract 6A-1 and 6B-1 have previously received Phase 1 and 2 release and only Phase 3 and 4 release is requested on these tracts. All four phases of bond release are requested for the remaining tracts. Subtract 6A-2 consists of only 1.5 acres of cropland and a section line trail. Subtract 6B-2 includes 117.3 acres that were not disturbed by

mining. All of Subtract 6A-2 and the southern half of Subtract 6A-1 contain Federal coal and therefore, Office of Surface Mining concurrence is required.

A. RECORDS REVIEW

No permit or mine specific records were reviewed for this inspection. The application for final release of bond for surface coal mining and reclamation operations, dated 9/25/2024 and revised 10/24/2024 was reviewed for compliance with state and federal requirements.

B. Hydrologic Balance

SURFACE WATER

The quality of water in the one seasonal wetland SE31-1 (WP28) compares favorably with water in pre-mine wetlands and with relevant guidelines and numeric standards. Temporary wetlands in the release area appear to have been cropped through. No other surface water features are present in the release area.

GROUND WATER

Groundwater quality over the study area has not varied beyond expected ranges typical of pre-mining quality.

C. Topsoil & Subsoil (SPGM Removal/Respread)

SPGM respread thicknesses were verified as adequate in conjunction with Partial Bond Releases #2 and #3.

D. Backfilling and Grading (Overburden/Spoil Handling/Coal Removal)

All coal removal from the release area was complete by 2003, and all final grading was completed by 2006.

E. Excess Spoil Disposal

The last spoil disposal took place in conjunction with the end of coal removal in 2003.

F. Coal Mine Waste Impoundments

N/A. None are present within the release area.

G. Use of Explosives

N/A. No active mining, including any blasting activities has taken place within the release area since the end of coal extraction in 2003.

H. Subsidence Control

Minor settling features were observed that correspond to temporary wetlands in both the 6A and 6B subtracts. These features were all successfully cropped with soybeans during 2024.

I. Roads

The southern edge of Tract 6A was reclaimed as a section line road. Correspondence from the McLean County Superintendent of Highways confirms that the section line road was reclaimed to township road standards. State Highway 200 also runs along the eastern edge of Subtract 6B.

J. Signs and Markers

All required signage was present and contained appropriate and current information.

K. Distance Prohibitions

A grass buffer zone has been established around Wetland SE31-1, which is delineated by steel posts.

L. Revegetation

Wetland SE31-1: According to vegetation surveys conducted during the liability period, wetland SE31-1 (WP 27 & WP28) is functioning as designed. It has similar species diversity and seasonal variety to both pre-mine and undisturbed wetlands.

Cropland: Reclaimed cropland in both subtracts 6A and 6B have been cropped since at least 2015, with portions of 6B being cropped since 2003. Last year, cropland in both subtracts 6A and 6B were planted with soybeans (WP29). Cropland that was harvested from the representative tracts exceeded the required adjusted annual productivity standards. Minor depressions are present in both subtracts, but have been cropped through and do not appear to impact productivity. At the time of this inspection, neither tract has yet been planted. Reclaimed cropland in both subtracts blends well into adjacent undisturbed land, with no significant breaks in topography.

Undisturbed: The 117.3 acres in Subtract 6B-2 were not disturbed by mining operations. There is a clean transition between cropland in 6B-2 and an area of native grassland in the far northeast corner of the subtract. This area is labeled a seasonal wetland, but no water was present at the time of inspection. The area included a mix of native grasses. The far southwest corner of Subtract 6B-2 includes an abandoned farmstead, two shelterbelts and an area of native grasses (WP30). The eastern edge of this tract includes State Highway 200A and the southern edge includes County Road 16, while the western edge includes a portion of section line trail.

M. Postmining Land Use

The approved post-mining land uses on 276.9 acres of disturbed land within Bond Release No. 6 is: cropland (273.3 acres), seasonal wetland (1.6 acres), four temporary wetlands (0.8 acres), and portions of a section line trail (1.2 acres). The 117.3 acres in Subtract 6B-2 were not disturbed by mining operations and include: cropland (88.2 acres), a seasonal wetland (1.1 acres), two temporary wetlands (1.1 acres), native grassland (7.3 acres), shelterbelts (2.7 acres), an abandoned farmstead (6.0 acres), a portion of a section line trail, County Road 16, and portions of State Highway 200A (10.9 acres).

N. Other

N/A

O. Current Operations (Overburden/Coal Removal)

All coal removal from the release area was complete by 2003, and all final grading was completed by 2006.

P. PHOTOS



(WP 27) Wetland 31-1. Photo facing northwest.



(WP 28) Wetland 31-1. Photo facing southeast.

A.



(WP 29) cropland in Subtract 6A-1.
Federal coal.



(WP 30) Photo to the northwest. Shows shelterbelts, old farmstead and native grasses. In Subtract 6B-2.

R. CONCLUSIONS

No issues of concern were observed during this inspection.

John Sieving	Date
Physical Scientist	
OSMRE Inspector # 448	

Cc:
Warren Swenson (NDPSC)
Jeff Roerick (NDPSC)
Tanner Jochim (FMC)
Jason Frye (FMC)