

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
Casper, WY 82602



April 15, 2025

Mr. Jonathan Emmer, Director
Reclamation & AML Divisions
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

RE: Final Bond Release for the Falkirk Mining Company's Falkirk Mine, Permit NAFK-9601, Bond Release No. 6.

Dear Mr. Emmer:

The Casper Area Office (CAO) has received the application for Final Release of Bond for Surface Mining and Reclamation Operations; the Falkirk Mining Company, Falkirk Mine, Permit NAFK-9601, Bond Release No. 6. The application is dated September 25th, 2024 and revised October 24, 2024. 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. North Dakota requires four phases of bond release. The bond release area is divided into four subtracts, 6A-1, 6A2, 6B-1 and 6B-2. Subtracts 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 Subtracts 6A-2 and 6B-2. 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.

An inspection to evaluate the reclamation of lands associated with Bond Release No. 6 was conducted by the NDPSC on November 26, 2024. The PSC reviewed SPGM thickness assessments, reclamation of the section line trail along the southern edge of Section 30, evaluated wetland SE31-1, a 1.55 acres seasonal wetland in Subtract 6B-1 and noted minor differential settling features in the cropland.

OSMRE conducted a joint inspection of this area with NDPSC on April 8, 2025. Previous attempts by OSMRE to access and evaluate this area were delayed by weather. The area containing Federal coal (Subtract 6A) consists almost entirely of cropland and includes the section line road along the southern border of Section 30. The application includes correspondence from the McLean County Superintendent of Highways confirming the section line trail was reclaimed to township road standards. The remaining portions of Subsection 6A

were planted with a pre-crop seed mix and hayed until 2015, when it was broken up and cropped. Since 2015, Subtract 6A has been planted with corn, wheat, soybeans, sunflowers and pinto beans. During the inspection, a few low areas were observed but these features were successfully cropped through and are not deemed significant.

The CAO has reviewed the bond release application for compliance with all other non-SMCRA Federal requirements and determined there are no unfulfilled requirements that would preclude the release of bond. OSMRE thus, concurs with a recommendation for approval of this bond release application.

If you have any questions, please contact John Sieving of the Casper Area Office at 307/261-6541.

Sincerely,

Jeffrey Fleischman, Chief
Denver Field Division