

THE COTEAU PROPERTIES COMPANY

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

FREEDOM MINE

204 County Road 15
Beulah, North Dakota 58523-9475

(701) 873-2281 • **RECEIVED**

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PUBLIC SERVICE COMMISSION

August 22, 2008

FROM DIRECTOR - RECLAMATION DIV.

Mr. James R. Deutsch
Director Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

Dear Mr. Deutsch:

Enclosed are three sets of revised materials for Revision 30 to Permit NACT-9501. Responses below refer to deficiencies in your December 27, 2007 letter:

1. See new pages 12c-12g and 20 of Section 2.2.5, the Post-Mining Probable Hydrologic Consequences Map (new Sheet 2B of 3) of Section 2.2.7, and new Sections 3.6.95 and 3.6.96.
2. See revised page 6 and new pages 7-8 of Section 3.5.1.
3. See new pages 9a and 12-13 of Section 3.6.1, and new Sections 3.6.91, 3.6.92, 3.6.93, and 3.6.94.
4. See revised page 5 of Section 4.1.1.
5. See revised pages 1-1a of Section 4.1.5.
6. This issue was addressed in Revision 25 to Permit NACT-9501. The location of SB-14-01 was approved at that time because of the extremely desirable site, even though it is not typically desirable to choose an undisturbed location for a tree planting. The tree planting will be part of a larger complex of wetlands, trees, and tame pasture. Because the planting will be part of a larger complex of habitat, it will be more valuable in this location than in a more isolated one. This area will be idle in the future, protected from grazing by its small size and distance from other pastures, and protected from tillage by the slopes of the drainage that runs through it. These features will help assure the planting will not be damaged by cattle, or removed by a future landowner to increase their tillable acres after bond release. Because this location will increase its value as wildlife habitat and will protect it in the future, no changes were made.
7. See revised pages 1-1a of Section 4.1.5.
8. See revised pages 1-1a of Section 4.1.5.
9. See revised pages 1-1a of Section 4.1.5.
10. The 0.3 acres of shelterbelts listed in Tract 33 in Section 4.1.5 are existing shelterbelts that were not disturbed by mining. The additional 0.8 acre shelterbelt that is being added to the east and south of the farmstead are additional trees being added as requested by Sailer's, as stated on page 2 of Section of Section 4.1.1 and their preference statement in Section 4.1.4. The total post-mining shelterbelt acres were changed to 1.1 acres to include the additional conservation shelterbelt. Page 2 of Section 4.1.1 was changed to include buffaloberry instead of Russian olive trees in the species mix for the conservation shelterbelt.

10 RC-07-701 Filed 08/26/2008 Pages: 2
Response to December 27 Deficiency Letter Filed
Coteau Properties Company
Joe Friedlander



Mr. James R. Deutsch
August 22, 2008
Page 2

11. See the revised Post-Mining Topography and Land Use Map of Section 4.1.6.
12. See revised pages 1-1a of Section 4.1.5.
13. See revised pages 1-1a of Section 4.1.5.
14. See revised pages 1-1a of Section 4.1.5. The acres used in Section 5.2.2 are based on pre-mining acres, and the actual size of the stockpond will change when designed.
15. See revised pages 1-1a of Section 4.1.5.
16. It was determined that CW-31-09 was not in its designated location. Two other features in the area, totaling 1.8 acres, were identified as wetlands (CW-31-06 and CW-31-09). See revised pages 1-1a of Section 4.1.5, the Post-Mining Topography and Land use Map of Section 4.1.6, revised page 1 of Section 5.1.1, and revised page 1, new Wetland CW-31-06 drawing, and revised Wetland CW-31-09 drawing of Section 5.1.2.
17. See the revised Post-Mining Topography and Land Use Map of Section 4.1.6, the revised Post-Mining Area Slope Map of Section 4.2.5, and the revised Post-Mining Topography Development Map of Section 4.2.8.
18. See the revised Post-Mining Area Slope Map of Section 4.2.5.
19. See the revised Post-Mining Topography and Land Use Map of Section 4.1.6, the revised Post-Mining Area Slope Map of Section 4.2.5, and the revised Post-Mining Topography Development Map of Section 4.2.8.
20. Major drainages are a little straighter, but still acceptable. Coteau will consider sinuosity in some of the secondary drainages during final grading.
21. See new pages 12f-12g and 21-27 of Section 2.2.5.
22. For the area north of Highway 1806, it looks like we have approximately 27 acres not accounted for in the worst case calculation. To offset this, we are 194 acres ahead in Section 8 of the East Mine Area. Updating the calculation is not necessary at this time. It is recommended that we revisit the worst case bond calculation this fall.
23. See the revised Post-Mining Topography and Land use Map of Section 4.1.6.

We considered your suggestion for an alternative post-mining land use for the 1.3 acres of native grassland that is to be reclaimed in the SE¼ Section 30, but no other land use is feasible. The 1.3 acres lie on the crest of a low hill, and do not have a watershed that could contribute to a wetland. Also, the site would not be an ideal location for a tree planting, since the area is exposed and on top of a hill. We plan to keep these 1.3 acres as native grassland.

If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY


Joseph D. Friedlander
Environmental Manager

JDF:lr