

THE COTEAU PROPERTIES COMPANY

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

SCANNED

Date 7-16-08 (30957)

File CT 6287 acres - reqst. 7-16-08

204 County Road 15

Beulah, North Dakota 58523-9475

(701) 873-2281 • Fax (701) 873-7226

FREEDOM MINE

RECEIVED

JUL 16 2008

30957

PUBLIC SERVICE COMMISSION

July 16, 2008

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

FROM DIRECTOR - RECLAMATION DIV.

Date: 7-22-08

Action: Gay

Info. Only: Steve

Info & File: _____

Dear Mr. Deutsch:

In accordance with North Dakota Public Service Commission Memorandum No. 20, this is a request for a specific variance to the responsibility period for stockpile and sediment pond areas in a cropland tract In Permit NACT-9101 comprising all permitted lands in Section 22, T145N, R86W, totaling 628.7 acres.

The Coteau Properties Company requests a variance to the responsibility period for 64.3 acres of reclaimed cropland. In 2000, 64.3 acres of cropland were reclaimed after the removal of ponds P-D22-01 and P-D22-02, subsoil piles SS-148, SS-150, and SS-144, and portions of topsoil piles TS-271 and TS-277. The sediment ponds were removed two years after the other reclamation in the tract was completed, according to NDCC 69-05.2-16-04. The surrounding piles were needed for the reclamation of the pond areas. The responsibility period for these acres will be attached to that of the larger reclamation tract containing 564.4 acres, which was reclaimed and returned to cropland in 1997 and 1998. The liability period for this tract ended this year. The variance area has been cropped for seven years, and makes up 10% of the entire reclamation tract. Six members of your staff viewed the area on April 24, 2008 during a partial inspection. The inspection report states that no apparent differences were noted between the various liability initiation dates. Without the variance, bond release will be delayed on the surrounding reclamation tracts until 2010, two years from the anticipated bond release period. The following is a summary of the reclaimed acres:

	Acres Reclaimed 1997-1998	Acres Reclaimed 2000	Total Bond Release Tract
Cropland	564.4	64.3	628.7
Percent of Total	90%	10%	100%

1

AM-08-576 Filed: 7/16/2008 Pages: 2
Request for a Variance from the 10-year Liability
Period Filed



Coteau Properties Company

Joe Friedlander

Mr. James R. Deutsch
July 16, 2008
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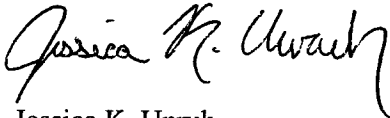
Selected areas with poor drainage totaling 15 acres were improved in 2007 by a combination of minimal topsoil grading with a motor grader, removing topsoil and grading subsoil, and additional tillage. Areas where topsoil was stripped and replaced to complete these operations are shown on Attachment 1. Previous poorly drained areas are shown on Attachment 1 as eliminated wetlands. Attachment 1 also depicts the variance area, proposed bond release area, revegetation dates, prime respread areas, the locations of support facilities, and topography. The topography flight date was October 28, 2007, following the repair work mentioned above.

The Coteau Properties Company also requests soil probing be completed on this tract immediately following harvest this fall.

If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY



Jessica K. Unruh
Environmental Specialist

JKU:lr
Attach.