



# Public Service Commission

## State of North Dakota

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October 14, 2008

Mr. Bryan Reinhardt  
2901 SE 46<sup>th</sup> Ave  
Mandan, ND 58554

Dear Mr. Reinhardt:

Thank you for participating in the September 9, 2008 bond release inspection of your property located in Section 21, T143N, R84W, within Permit BCGH-8801 at the Glenharold Mine held by Basin Cooperative Services (BCS). You raised several concerns regarding the property during the inspection and these issues were discussed in the field. The Reclamation Division has had an opportunity to further review concerns and our responses are as follows.

1. An area in the cropland field has no topsoil and crops do poorly on this area – topsoil should be hauled in and spread on the area.

**Response:** We were unable to find any areas in the cropland field that was void of topsoil during the inspection and there was no apparent difference in the growth characteristics of the corn growing in field. Reclamation Division staff verified soil respread thicknesses in the area where you had indicated a concern. We did not find any areas where an inadequate amount of topsoil had been respread. It is not clear what the light colored spot on the aerial photo you had provided represents, but the area has adequate topsoil and the site cannot be detected based on this year's corn crop.

2. A pre-mine stock pond to the north has washout on embankment and it should be cleaned and repaired.

**Response:** Runoff was diverted away from this pre-mine stock pond during active mining operations and the pond was not used as a sediment pond or sump during active mining operations. A 1985 aerial photograph at the Glenharold Mine shows that this gully was present prior to commencement of any mining activities in the area. Since this area was not disturbed by mining activities the Reclamation Division will not require BCS to clean out the pool area of the pond or repair the gully in the embankment.

3. The pre-mine stock pond to the south has trees growing in it and it should be cleaned out.

**Response:** Runoff was diverted around this pond during active mining operations and the pond was not used as a sediment pond or sump during active mining operations. Sediment pond performance standards do not apply to this pre-mine undisturbed stockpond and we do not have the authority to require maintenance on features that were not affected by mining operations.

4. The south mine area has some rocks and a few rock dams were not buried.

**Response:** BCS used partially buried rock check dams in recreated drainages as erosion control features. Apparently you previously asked Basin Cooperative Services to remove these features and most have been removed. We consider these rock check dams as erosion control features and in a native grassland setting, we do not consider these features detrimental to the post-mine land use. The Reclamation Division will not require BCS to remove the remaining features that are in place and functioning as intended.

The large scattered rocks in the drainage above the pre-mine dugout (stock pond) on the south end of the mine are not functioning as erosion control features. Thus, we will have BCS remove these rocks assuming they placed them there. During the bond release inspection we also noted a few open trenches without rocks in a recreated drainageway and we have asked that these trenches be filled with soil and seeded.

5. There are many dead trees in the woodlands that should be cleaned out and hauled away.

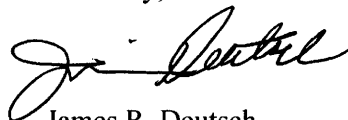
**Response:** Volunteer cottonwood trees established in some of the recreated woodlands and the crowns of some of these trees have died, presumably due to continued dry conditions and age. A large number of tree and shrub species were purposely planted in the reclaimed woodlands so that the woodlands would continue to function if some of the planted species die out. We expect species composition changes over time within reclaimed woodland communities and we do not expect mining companies to remove individual trees that die within woodland plantings. Woodland reclamation standards require that at least 70% of the trees planted remain at the time of final bond release and shrub species must triple in number by suckering or regeneration. There are also woodland species diversity and seasonality revegetation success standards. BCS has included woodland sampling data in the bond release application demonstrating woodland reclamation success.

6. Section 16 south section line fence has not been constructed.

**Response:** Your fence has been replaced on the north side of Section 21 and we cannot specifically require BCS to place a fence on their land along the south side of Section 16. However, Dave Nilson mentioned during the bond release inspection that BCS was intending to construct a fence on the south side of Section 16.

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division

cc: Dave Nilson