



Public Service Commission

State of North Dakota

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October 20, 2008

Mr. David J. Nilson
Reclamation Administrator
Basin Cooperative Services
Leland Olds Station
3901 Hwy 200A
Stanton, ND 58571-9417

Dear Mr. Nilson:

The Reclamation Division has completed a technical review of Bond Release Application No. 1 to Permit BCGH-8801. The following issues must be addressed prior to Commission approval of the application:

Application Form

1. The bond release application form indicates that Tract 1 encompasses only Sections 16 and 17, although a small portion of the W $\frac{1}{2}$ of Section 15 is included in Permit BCGH-8801 and should be noted in the application form as well. (BEB)

Table of Contents

2. The Table of Contents lists Attachments XA and XB which is supposed to represent maps of the various reference areas, although these attachments do not exist in the submittal. The submittal does have a section labeled Attachment X, but there is no data in the section. Please revise the submittal by incorporating the maps into the hard copy submittal or update the Table of Contents and Attachments XA and XB to indicate that these attachments are on the attached CD. (BEB)

Attachment V

3. The area represented by the dashed purple polygon located directly west of Pond 143-84-21-3F was disturbed and should be shown as such (dashed blue line). If this was a soil stockpile, then also show ingress/egress to the area. (SAS/MDB)

Attachment VI

4. Tracts 1 and 2 were recently soil probed to verify the soil respread thicknesses as reported in Attachments VI and VIII. Although the soil probing data has not yet been completely analyzed and summarized, it is apparent that the actual subsoil thicknesses as verified by soil probing are considerably less than the approved respread depths. For example, the portion of Tract 1 that has an approved actual respread thickness of 13/33 had an average actual respread thickness of 13/22 and the portion of Tract 2 that has an approved respread thickness of 11.3/17.4 has an average actual respread thickness of 11/11. Topsoil depths appear to be satisfactory. Please provide an explanation and justification for the reduced subsoil respread thicknesses. (WTG)
5. The Mining and Reclamation History and the Revegetation narratives on page 11 of Attachment VI states that subareas A, B, C and D were “reseeded” in 1994, 1996, 1998 and 1999. We understand that these were the initial seedings to start the revegetation responsibility period and that the areas were not reseeded to re-initiate the revegetation responsibility period. Please edit the narratives to clarify. (GAW)
6. The Revegetation narrative on page 11 of Attachment VI mentions subareas 1A, 1B, 1C and 1D. The Management and Weed Control narrative at the bottom of page 15 of Attachment VI mentions subareas 2A, 2B, 3C and 2D while the map, Attachment IX and other narratives identify these areas as subareas A, B, C and D. Please edit the narratives and label the map so that the subarea naming convention is consistent. (GAW)
7. Table 2 of Attachment VI indicates that subarea D of Tract 1 was seeded in 1996, but Attachment IX indicates the area was seeded in 1995. Please review and correct. (GAW)
8. Table 8 is labeled as “Premine rangeland soils and range site data for Tract 2 –BCS”; however, it appears to be the pre-mine acreage for Tract 1. The acreage amounts are the same for Tables 11 and 12 and they are listed as Tract 1 – BCS. Please review and correct as necessary. (GAW)
9. Tables 11 and 12 list the reclaimed yields for just some of the four reclaimed subtracts (subtracts A, B and C in Table 11 and subtract D in Table 12). Since the yield data was not combined for all of the subtracts, the yields for all of the subtracts should be provided not just the lowest value. Please provide the reclaimed yield data for all the reclaimed subtracts (“A, B and C” and “D”) in Tables 11 and 12 as was done in Table 1. (GAW)
10. In Attachment VI, please include a narrative that identifies the soil mapping units of the native grassland reference areas. Discuss if the native grassland reference areas and the reclaimed native grasslands received equivalent management and mention that the range condition of the reference areas can be found in the summary production data for the reference area range sites. (GAW)
11. In Attachment VI, or where appropriate, please identify who collected the data that is being used to demonstrate revegetation success of the grasslands, woodlands and cropland, and the sampling methodology used for the native grassland. (GAW)

12. In Attachment VI, please include a brief discussion of the permanence of the reclaimed native grassland and woodlands. This can be done based on the species seeded, seeding dates and meeting the other success standards. (GAW)
13. On page 16 in the discussion on the "Reclaimed Cropland" there are two "2007" data years. We assume the last one should be 2008? Please review and correct. (SAS)
14. Under the analysis of reclamation success on page 17, we recommend adding a short explanation of why the 2005 and 2006 yields on the reclaimed cropland and control area data were less than half of the unadjusted yield standards. (SAS)
15. The wheat yield data given in Table 1 is listed as "lbs/acre" but likely should be "bu/ac" values. Please correct as needed. (SAS)
16. In Tables 4 and 5, the undisturbed area is referred to as a reference area. The methodology presented in these two tables actually uses the "Reference" area as a "Control" area since it uses that yield to adjust the standard for the reclaimed area. Please re-label the area as a "Control Area" and make the necessary change in the conclusions on the page. (SAS)
17. In Table 6, the summed weighted yield value for the reclaimed area used to calculate the "unadjusted wheat yield standard" should be listed as 225.7 bushels in the calculation rather than 218.8 bushels as currently shown. (SAS)
18. In the titles of both Tables 6 and 7 the wheat yields are referenced to Mercer County. Since the bond release area is located in Oliver County, these references should be changed to Oliver County even though the yield at PI=100 is the same for both counties. (SAS)
19. Please provide the unit of measure used for the sample weights in Tables 29 and 30. It is difficult to check out the numbers without knowing this unit. (SAS)
20. Please state how the test weight was determined for the crop samples in 2005 and 2006. (SAS)
21. Please include a discussion about retaining the haulroad across the drainage on the section line between Sections 15 and 16 for property access purposes. The application should also include if the culvert under this road is sized properly to handle the expected flows through the channel and provide the necessary calculations or reference the appropriate section of the permit. (GAW)
22. Please provide documentation (or refer to information in the permit) demonstrating that for Pond 21-2A will be adequate to meet its intended uses as was done with Pond 21-3F. (MDB)
23. Please provide a short narrative referencing the design plans in the permit for the two developed water resources. (MDB)

Attachment XII

24. Attachment XII, Variance Areas – Post-Mining Topography and Watershed Areas, shows the watershed for Pond 21-3F as being 4.34 acres which is actually the size of the pond. Please update the watershed boundary for this pond to reflect 166 acres of watershed as stated in Table 1, Dugout Specifications and Yield Information. (MDB)
25. There are three tree species comprising at least 50% of the initial planting rate in Mixed Deciduous Woodland in 2005, according to the workbook labeled BR8801_MDW_2005 in the excel Woody_Quad_Data05-06.xls file. Please review and update as necessary the workbook and Table 3 of Attachment VI as they currently list only two species. (GAW)
26. Attachment III on the CD is a map that shows the entire bond release area as being Tract 1. Please incorporate a boundary that delineates and labels the separate tracts, similar to the hard copy submittal or re-adjust the boundary line in Attachment III of the CD to show only the Tract 1 area if that was the intention. (BEB)

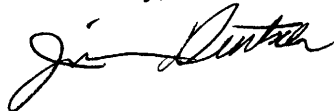
Other

27. During the final bond release inspection we noted a gully near the disturbance boundary on the section line common to Sections 16 and 17 and several open trenches in a reclaimed drainage in Section 21. The trenches will need to be filled and the gully repaired prior to final bond release approval.
28. We noted that the apron of one of the culverts through the Section 15/16 embankment is partially detached. This needs to be repaired prior to bond release approval.

The Reclamation Division provided you with the response to Mr. Bryan Reinhardt on the concerns he raised during the inspection. Please consider removing the large scattered rocks in the drainage above the undisturbed dugout in Section 21 to address this concern raised by Mr. Reinhardt.

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division