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June 12, 2014

Mr. Jim Deutsch, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Bond Release 9 to Permit 37

Dear Mr. Deutsch,

This submittal contains a response to your letter to us dated February 12, 2014. In this letter you listed technical deficiencies that must be addressed before the bond release application for Permit 37 can be approved. Below is a listing of the deficiencies followed by our response:

Attachment VI – Tract History

1. Follow-up to item No. 1: Please add relevant Bond Release No. 6 information such as the Parcel (37-25a) and field identification (Middle 1/3) to the footnotes of Table 2c. (ZAB)

The footnotes of Table 2c have been revised. These footnotes now describe that this table is from Bond Release #6 of Permit 37, and that the data included is for the Middle 1/3 of the cropland tract found in parcel 37-25a.

2. Follow-up to item No. 2: As previously requested, please revise paragraph two in the Tract History for clarity and to include specific information on the adjacent cropland in Bond Release No. 6 to make it relevant to Bond Release No. 9. Revise similar to the following example or in a cohesive manner that includes the following information. *In 1981, the southern portion of the tract was spoil graded, respread with 18 inches of subsoil and 12 inches of topsoil, and seeded. The location and initial seeding date are depicted on Attachment VII. The area has been cropped by the land owner as part of his adjacent field in a small grain and fallow rotation; consistent with the approved postmine landuse of cropland. The adjacent field met reclamation success standards and was bond released in 1988 with BR #6 to Permit 37. This cropland field is identified in BR #6 documents as the*

Middle 1/3 of Parcel 37-25a, which included 110 acres of cropland and 5 acres of hayland. The crop yields used to demonstrate reclamation success on the Middle 1/3 field are shown in Table 2c. (ZAB)

The second paragraph of the tract history has been revised as requested.

3. Follow-up to item No. 5: Attachment V, Soils Map, identifies the Oliver County soil survey on the area encompassed in this bond release application. However, according to Bond Release No. 6, Robert Howey's soil survey was used for all of the area included in this bond release application. Therefore the soils depicted on Attachment V are incorrect and given that an area wide standard was developed with Bond Release No. 6, all of the soils used to develop that standard should be included, not just the area encompassed by the bond release tract. Please review and revise to correct by including the same soils information presented in Bond Release No. 6 in the application for Bond Release No. 9. (GAW/RLK)

All of the soils that were used to calculate the cropland standard in Bond Release #6 to permit 37 are included. The soils depicted, from the 1975 Oliver County survey within the cropland tract, as they were shown in the Determination of Productivity Standards section of Bond Release #6.

4. Follow-up to item No. 6: Please revise the language in Attachment VI that incorrectly states that the Bond Release No. 9 area was included in the unadjusted hayland standard developed for Section 25 and that the pre-mine soils were derived from only the NRCS Soils survey (page 4). The soils used to develop the unadjusted cropland standard in Bond Release 6 must be used for this bond release application and soils from both NRCS and Robert Howey's soil survey were used as stated and shown in Bond Release No. 6. Please correct these inconsistencies. (GAW)

The language found on page 4 of Attachment VI has been revised to clarify that the cropland soils as defined by Bond Release #6 were the soils that have been used in Bond Release #9 to develop an unadjusted standard; and that this standard has been adjusted to hayland because the tract is being managed and bond released as hayland.

The soils that are specifically found within the Bond Release #6 cropland were from the NRCS survey soils. As stated in the Determination of Productivity Standards section of Bond Release #6 "Soil names written out are those described by Robert Howey and the abbreviated names are from the Oliver County Soil Survey" The map on page 6 of this section does not depict any soil names that are written out; therefore, the soils designated as cropland on this map are assumed to be from the NRCS Oliver County Soil Survey.

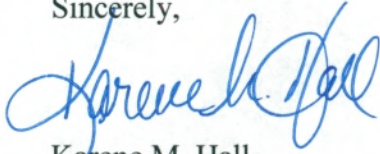
5. Follow-up to item No. 6: Please revise Table 1, Unadjusted Technical Standard for Hayland Yields, to show the unadjusted standard technical standard for cropland rather than hayland. The postmine land use of this 1.78 acre tract is cropland not hayland therefore the soils from the unadjusted cropland standard of Final Bond Release No. 6 must be used. (GAW)

The title of Table on page 5 of Attachment IV has been revised to clarify that this is an Unadjusted Technical standard for Cropland Soils in Section 25. The footnote to this table clarifies that this Table lists cropland soils from Bond Release #6 of Permit 37 and that these soils were used to calculate a standard for Bond Release #9. The footnote also states that the

cropland standard has been adjusted to hayland because the Bond Release #9 tract is being managed and bond released as hayland.

Thank you for your consideration of this matter. If you have any questions regarding this submittal, please contact me at the Center office.

Sincerely,



Karene M. Hall
Permit Coordinator