



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Brian P. Kalk  
Randy Christmann  
Julie Fedorchak

Executive Secretary  
Darrell Nitschke

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

February 27, 2014

Mr. Troy Leingang  
Environmental Manager  
Coteau Properties Company  
204 County Rd. 15  
Beulah, ND 58523

Dear Mr. Leingang:

The Reclamation Division has completed a technical review of the application for Revision 16 to Permit NACT-0201 which was submitted December 11, 2013 in response to our pre-renewal review. The following items must be addressed prior to Commission approval of the revision and renewal. Since the current permit term will expire April 14, 2014, we would appreciate a response to this letter **no later than mid-March** to ensure Commission action at the meeting scheduled for April 9<sup>th</sup>.

### **Section 1.2.6 – Certificate of Liability Insurance**

1. Please update Section 1.2.6 by adding the most current Certificate of Liability Insurance, including the rider stating the PSC will be notified in the event of a policy cancellation. The certificate currently in the permit expired in 2003 and does not list Permit NACT-0201. (ZAB)

### **Section 1.5 - Identification of Interests and Rights of Entry**

2. Follow-up to item No. 6 of the October 17, 2013 pre-renewal letter: The original item requested documentation showing that a number surface and coal leases executed in the 1960's and 1970's are still valid since the original lease and renewal periods have expired. The cover letter for the revision application indicates changes were made to Section 1.5.1. However, it does not appear any changes were made to that section of the permit. Please address the original review item and detail the changes being made. (WTG)
3. Hyperlinks to the following leases do not appear to function properly. Please repair the hyperlinks as necessary. (WTG)
  - a. Lease Nos. 00318, 00319, 00320, 00321, 00322, 00323, and 00330 for Tracts 16 and 17.
  - b. Lease No. 01272 for Tracts 105, 106, and 107.

Mr. Troy Leingang  
February 27, 2014  
Page 2 of 2

**Section 4.1.2 - Post-Mining Topography and Land Use Map**

4. Follow-up to item No. 30 of the October 17, 2013 pre-renewal review letter: Please review and correct as necessary the labeling for the index elevation contours in the NW<sup>1</sup>/<sub>4</sub> of Section 35, T145N, R88W, on Section 4.1.2. Several elevation labels still appear to be misplaced even though the December 11, 2013 response letter indicates that corrections have been completed. (WTG)

**Section 4.2 – Revegetation Procedures, Establishment and Management**

5. Follow-up to Original Items No. 31 and 32 of the October 17, 2013 pre-renewal review letter: Please revise Section 4.2.2, Seed Mixes, to retain the original native grassland and temporary seed mixture seeding information for areas planted prior to Revision 16. (GAW)
6. Follow-up to Original Item No. 31 of the October 17, 2013 pre-renewal review letter: Please revise the native grass seed mixture as verbally discussed and proposed via email on February 14, 2014. We understand that the seeding rate will be reduced to 20 pounds per acre and that two additional warm season species will be added to the mix. (GAW)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division