



# Public Service Commission

## State of North Dakota

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September 23, 2014

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

Dear Mr. Leingang:

The Reclamation Division has conducted review of Revision 18 to Permit NACT-0201 in response to your letter and changes dated September 9, 2014 that address items in our completeness deficiency letter. The following items must be satisfactorily addressed before the application will be deemed complete:

#### **Subsection 1.1.1 – Application Form**

Follow-up to Item No. 2: Please revise Attachment I of the Application Form in Section 1.1.1 and Subsection 1.1.2, to discuss the postmining topography and land use changes being proposed with Revision 18. Significant postmining agricultural land use changes are being proposed and 250 acres of roads have been classified as separate pre- and post-mine land uses with this revision. (GAW)

#### **Section 1.2.5.10- Newspaper Publication Notice – Revision 18**

Follow-up to Item No. 8: As previously requested, please revise the notice to specifically state that postmining topographic changes are being proposed in the southern mine area with this revision and that postmine agricultural land use changes are being proposed on some tracts. (GAW)

Follow-up to Item No. 9: The Proposed Section line and Road Closures and Setback Waivers Map, Section 1.2.7.1 does not show operations within 100 feet of the county road located between Sections 11 and 14 of T145N, R88W, but the Pit Layout and Facilities Map shows a haul road crossing this section line and sediment pond P-W11-04 is located very close to this road. Please review the construction schedule and location of sediment pond P-W11-04 and update the public notice as necessary if operations are planned within 100 feet of this county road during the existing permit term. (GAW)

#### **Section 3.1 – Operations – General**

The newspaper notice states that design plans for sediment pond P-W27-02 are being resubmitted with Revision No. 18 because it has been redesigned and moved to a new location in order to avoid disturbance to woody vegetation associated with West Antelope Creek. We have noted the pond design

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changes; however, the location of this pond as depicted on the Pit Layout and Facilities Map, Section 3.1.3, as well as the Surface Water Management Plan Map, Section 3.3.2, is in the exact same location as depicted with Revision No. 17. If the pond location has been moved as stated in the notice, please update the maps to show the revised pond location. (BEB/FSE)

### **Section 3.1.8 – Temporary Cessation of Mining Plan**

Follow-up to Item No. 19: Please either revise the postmine topography or land uses of the cessation contingency plan area so that postmining slopes on reclaimed cropland are not steeper than that which existed on cropland in the area prior to mining. In no instance should cropland slopes be greater than 9%. Topographic changes are shown 1000 feet beyond the cessation pit area on the Post Mining Topography and Land Use Map which results in unrealistic land use changes for portions of this area. For example, the postmine land use map shows that the NE1/4 of the NE1/4 of Section 34 is to be converted to cropland but the western portion of this area is beyond the cessation pit variance area so the contingency plan should not show this native grassland being converted to cropland. The Postmining Topography and Land Use Map should not show topographic and land use changes beyond the angle of repose for the cessation pit area. (GAW)

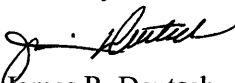
### **Section 4.0 – Postmining Land Use and Revegetation**

Follow-up to Item No. 21: Please include an assessment that shows that the pre-mine land use capabilities will be restored on each tract of land by surface owner where disturbance is planned through 2032. This assessment can be based on soils that NRCS considers “farmlands of statewide importance”. The pre-mine capabilities of non-cropland areas must be replaced as required by NDCC 38-14.1-24(2) and the reclamation plan for these areas must address restoring the pre-mine capabilities. This may involve increasing topsoil respread depths on some reclaimed native grassland areas so that it is suitable for future cultivation. This issue may be addressed as a technical deficiency if additional time is needed. (GAW)

Follow-up to Item No. 21: Please include a summary of the pre- and post-mining land uses for the area included in, and west of the cessation pit to ensure that premining cropland located in the southern portion of Mine Area I is being replaced in this same area. This includes all of the land that is to be mined through 2034. The postmining topography and land use map shows that all of the land in the N1/2 and SE1/4 of Section 34 as cropland (480 acres) but the pre- and postmining Land Use Comparison Table, Section 4.1.3, indicates that only 263.6 acres of cropland is to be reclaimed in this area. Please review the values listed in the table in Section 4.1.3 to ensure the information is consistent with what is shown on the Postmining Topography and Land Use Map and make the land use boundaries on this map more clear. (GAW)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division