THE COTEAU PROPERTIES COMPANY

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

FREEDOM MINE

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April 1, 2015

Mr. James R. Deutsch
Director Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

Dear Mr. Deutsch:

Enclosed are three DVD's containing revised Revision 18 to Permit NACT-0201. Responses below refer to deficiencies in your December 11, 2014 letter:

1. See the Proposed Section Line and Road Closures and Setback Waivers Map of Section 1.2.7.1.
2. See the Proposed Section Line and Road Closures and Setback Waivers Map of Section 1.2.7.1.
3. See the Proposed Section Line and Road Closures and Setback Waivers Map of Section 1.2.7.1.
4. Bookmarks have been added to Section 1.2.9.
5. See new pages 41-45 of Section 1.2.9.
6. The easements of record have been updated for Tracts 109 and 110 in Section 1.5.1.
7. The "permitted for surface disturbance only" note has been removed from Tracts 48, 48A, and 52 in Section 1.5.1 and the Surface and Coal Ownership Map of Section 1.5.3.
8. In Section 1.5.1, Keith Bitner and Sarah Ames addresses were updated in Tracts 81 and 81A, and Corey Walz was removed from Tract 28. Linette Buchfink's address is correct in Tract 30; she just did not pick up her certified mail. There are no changes required in Section 1.5.2. The Surface and Coal Ownership map of Section 1.5.3 was updated to remove Corey Walz from Tract 28.
9. See revised page 1 of Section 2.1.2.
10. See revised page 3 of Section 2.1.2.
11. See the Geologic and Hydrogeologic Cross Section Location Map of Section 2.1.9.1, the Overburden Isopach Map of Section 2.1.10, and the Structural Contour Map of Section 2.1.11.
12. See the Surface Water Features Map of Section 2.2.2.
13. See the Surface Water Features Map of Section 2.2.2.

14. See the Surface Water Features Map of Section 2.2.2, the Pre-Mining Probable Hydrologic Consequences Map of Section 2.2.5, and the revised Post-Mining Probable Hydrologic Consequences Map of Section 2.2.6.
15. See revised Section 2.2.4. Since we are only analyzing portions of the entire watershed, areas may have been analyzed outside of the subwatershed pre-mining, but not post-mining due to topographical changes, or vice versa. This may not affect the overall acreage of the watershed, however will be represented as a change in the analyzed acres.
16. See revised Section 2.2.8, and new Sections 2.2.8.1 through 2.2.8.4. The references are now in Section 2.2.9.
17. The last four pages of Section 2.2.4, which contain data pertaining to analyses of open-channel flow characteristics for reclaimed ephemeral drainages in subwatersheds associated with WAC-06, WAC-07, WAC-08 and WAC 0-9, have been restored and moved to pages 1-4 of new Section 2.2.8.2. In addition, the four channel segments that were analyzed, and their contributing subwatersheds, have been restored to the Post-Mining Probable Hydrologic Consequences Map, Sheet 1 of 3, of Section 2.2.6.
18. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2, revised Section 2.2.8, and new Sections 2.2.8.1 through 2.2.8.4.
19. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2, and revised Section 2.2.8, and new Sections 2.2.8.1 through 2.2.8.4.
20. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2, and revised Section 2.2.8, and new Sections 2.2.8.1 through 2.2.8.4.
21. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2, and revised Section 2.2.8, and new Sections 2.2.8.1 through 2.2.8.4.
22. See new Sections 2.2.8.3 and 2.2.8.4.
23. See the revised Geomorphic Reference Map of Section 2.3.1.1, the Twin Buttes Lignite Potentiometric Map of Section 2.3.3.1, the Schoolhouse Lignite Potentiometric Map of Section 2.3.3.2, the Beulah/Lower Beulah Lignite Potentiometric Map of Section 2.3.3.3, and the Spaer/Insert Lignite Potentiometric Map of Section 2.3.3.4.
24. See revised pages 1, 3, and 10-12 of Section 2.3.1 and revised pages 9 and 12 of Section 2.3.8 for information regarding the MA3 Washout. Table 1 on page 13 of Section 2.3.1 was updated, and five figures were added on pages 15-19 in Section 2.3.1.
25. The aquifer potentiometric maps currently found in Permit NACT-0201 were generated from second quarter 2001 water levels. These levels were compared with fourth quarter 2014 water levels, and only minor variances in water levels were found. In concurrence with NDPSC staff, it was determined that the changes were insignificant, and that it was not necessary to provide an updated version of the maps.
26. See revised page 1 of Section 2.3.4.
27. See revised Sections 2.3.5.1 through Section 2.3.5.4. Section 2.3.5.5 was removed, as the wells in this section were re-correlated from the Insert to the Spaer, so were moved into Section 2.3.5.4.
28. See revised page 1 of Section 2.3.6.
29. See Table 2 (pages 1-4), Summary of Probable Impacts of Mining on Certified Wells and Springs, in new Section 2.3.7.2.

30. See revised pages 1-4 of Section 2.3.7.1.
31. See revised pages 2-4 of Section 2.3.8.
32. See revised pages 1-2 of Section 2.3.7, and revised page 12 of Section 2.3.8.
33. See revised page 12 of Section 2.3.8.
34. See revised page 1 of Section 2.4.1.
35. All areas were updated prior to the submittal of this revision. Special attention was paid to the area listed because of the mine plan change to disturb this area in the near future. Coteau thought it appropriate to validate the land use (including wetlands and trees and shrubs) prior to the development of the post-mining land use plan.
36. The area previously identified as tame pastureland was reclassified as native grassland during the land use update in 2013 because of management of the area. The area is dominated by introduced species, but is not fenced separately from the adjacent native grassland or grazed in early spring as a tame pastureland tract would be. Specifically, the western portion of previously classified tame pastureland didn't appear to ever be tilled. The northern strip may have been tilled many, many years ago, but both tracts have been managed as native grassland for decades. This type of land is frequently classified as "go-back" land, and lumped in with native grassland when classifying land use, so that approach was used during the last land use review.
37. A seasonal wetland was accidently left off the Pre-Mining Land Use and Vegetation Map of Section 2.4.3, so a majority of the area in question in the N½NE¼ Section 11 should have been classified as such. The area remains classified as cropland as indicated on the map. No historical information has been uncovered to indicate disturbance in this area, and the field investigation did not result in any need to change the land use classification. See the revised Pre-Mining Land Use and Vegetation Map of Section 2.4.3, revised page 2 of Section 2.4.4, and revised page 67 of Section 2.4.2.
38. See revised page 14 of Section 2.4.2.
39. See revised page 5 of Section 2.4.1.
40. This wetland cannot be classified as a seasonal wetland because it lacks vegetation indicative of a shallow marsh zone, and does not have a contributing watershed that lends to the development of a more permanent wetland. A detailed narrative regarding the classification and description of temporary wetlands already exists on page 11 of Section 2.4.2.
41. See the revised Pre-Mining Land Use and Vegetation Map of Section 2.4.3. A seasonal wetland was accidently left off this map. Also, see revised page 67 of Section 2.4.2.
42. See revised page 65 of Section 2.4.2.
43. See revised page 67 of Section 2.4.2.
44. See revised pages 1-3 of Section 2.4.4 and revised pages 1-2 of Section 2.4.10.
45. See the revised Pre-Mining Land Use and Vegetation Map of Section 2.4.3. Three shelterbelts were added to this map. Also, pages 6-8 of Section 2.4.18 were revised to update the pre-mining owner.
46. See revised page 5 of Section 2.4.1, revised pages 1-3 of Section 2.4.4, revised pages 1-3 of Section 2.4.7, and revised pages 1-3 of Section 2.4.8.
47. See revised pages 1-3 of Section 2.4.4 and revised pages 1-2 of Section 2.4.10.

48. See revised pages 1, 13, 14, 21, and 22 of Section 2.5.5.
49. See revised pages 21-22 of Section 2.5.3.1, revised page 1 of Section 2.5.3.2, revised pages 1-2 of Section 2.5.6.1, and the revised Soil Survey and Prime Farmland Map of Section 2.5.10.
50. See the revised Soil Survey and Prime Farmland Map of Section 2.5.10.
51. See the revised Projected Soil Respread Depth Map of Section 2.5.12.
52. A separate discussion for this specific acreage in the permit is not necessary, as the area being added to the permit was included in both wildlife surveys included in Section 2.7.2. The survey completed specifically for this permit area addition by Greystone included a majority of Section 11. The remainder of this area was surveyed by Woodward-Clyde Consultants in 1974, and this survey is also included in the permit. No special habitats were noted, or are present on this tract, and no other tracts are broken out specifically in the wildlife section of this permit. Including specific information about this area could lead to confusion.
53. The table in Section 2.7.6.2 was returned to its original format before Revision 18, as the tables in Section 2.7.6 are in the permit for historical purposes ONLY. This table should never have been revised. For a current list of threatened, endangered, and candidate species, please see Section B-3 of the Consolidated Wildlife Habitat and Management Plan. This list will need to be updated at a later time, along with information in deficiencies #54 and #55.
54. See revised pages 2-5 of Section 2.7.3.
55. See revised pages 2-3 of Section 2.7.3.
56. See revised page 3 of Section 2.8.1.
57. See revised page 3 of Section 2.8.1, revised pages 1, 2, and 4 of Section 2.8.2, and pages 34-37 of Section 2.8.5.
58. See revised page 2 of Section 3.1.1.
59. See revised page 11 of Section 3.1.1.2.
60. See revised page 4 of Section 3.1.1.2.
61. See revised page 7 of Section 3.1.1.2.
62. See revised page 2-3 of Section 3.1.1.3, and the revised Pit Layout and Facilities Map of Section 3.1.3.
63. See revised page 2-3 of Section 3.1.1.3.
64. See revised page 2-3 of Section 3.1.1.3.
65. See revised page 2-3 of Section 3.1.1.3.
66. See revised page 2-3 of Section 3.1.1.3, and the revised Pit Layout and Facilities Map of Section 3.1.3.
67. See revised page 2 of Section 3.1.1.6.
68. See revised page 1 of Section 3.1.1.9.
69. There are no Roughrider Electric or Southwest Water Authority utilities located within this tract of land. See revised tract 109 in Section 1.5.1, and the revised Pit Layout and Facilities Map of Section 3.1.3.

70. See revised tract 109 in Section 1.5.1, the revised Pre-Mining Topography and Existing Structures Map of Section 3.1.2, and the revised Pit Layout and Facilities Map of Section 3.1.3.
71. See the revised Pit Layout and Facilities Map of Section 3.1.3.
72. See the revised Pit Layout and Facilities Map of Section 3.1.3.
73. See the revised Pit Layout and Facilities Map of Section 3.1.3, and the Temporary Cessation of Mining Plan View and Typical Cross-Section drawing of Section 3.1.8.1.
74. See the revised Pit Layout and Facilities Map of Section 3.1.3.
75. The proposed location of sedimentation pond P-W08-01 was reviewed in regard to the cited regulations. However, the current site of the impoundment provides the best site topographically for controlling runoff from mining activities located on both sides of the drainage, and allows sufficient area for a large impoundment immediately off of the coal resource.
76. Neither of these sections/township/ranges are in this permit. The stockpiles and roads have been reviewed, and as of the plan at this date, these items will remain as shown on the Pit Layout and Facilities Map of Section 3.1.3. Letters will be sent to the surface owners of tracts 65, 68, 70, 71, 72, 73, and 91. Copies of these letters have been added to Section 1.4.2, and a new Surface Owner Notification Map – Revision 18 has been added as new Section 1.4.5.
77. See the revised Surface and Coal Ownership Map of Section 1.5.3 and the revised Pit Layout and Facilities Map of Section 3.1.3.
78. See revised page 2 of Section 3.1.1.9.
79. See the revised Post-Mining Cross Sections Maps of Section 3.1.6.
80. See revised page 2 of Section 3.1.8.
81. See revised pages 1-2 of Section 3.2.8.
82. See the revised Pit Layout and Facilities Map of Section 3.1.3, and the revised Surface Water Management Plan Map of Section 3.3.2.
83. The current location of pond P-W07-01 was chosen for being the site of the confluence of two significant subwatersheds, thereby maximizing the watershed area controlled by a single impoundment, and also for providing adjacent areas sufficient for future stockpile sites in this corner of the permit area.
84. The narrative section of each pond design in Revisions 17 and 18 of Permit NACT-0201 were reviewed for a discussion of a method of pond dewatering. All of the submitted narrative sections contain a discussion of the method that would be used to dewater the impoundment. However, the narrative section for ponds P-W27-01 and P-W27-02 were modified to include dewatering by two methods. The two methods are a gravity drawdown structure, or utilizing portable pumps. Page 1 of both Sections 3.3.31 and 3.3.32 were revised to reflect both methods of dewatering. Also, Details of P-27-01 of Section 3.3.31.1 and Details of P-W7-02 of Section 3.3.32.1 were revised to include the placement of a gravity drawdown structure within the embankments.
85. See revised pages 1-4 of Section 3.3.8. A drawing, As-Built Details of Sump S-W14-01, has been added as new Section 3.3.8.2.

86. See the revised Pit Layout and Facilities Map of Section 3.1.3 and the revised Surface Water Management Plan Map of Section 3.3.2.
87. See revised page 1 of Section 3.3.4.
88. These details are accurate. The reviewer is most likely confusing Cross Section D-D', which is a cross section of a pond inlet channel, with Cross Section C-C', which is a cross section of the open-channel emergency spillway.
89. The length of the level control section for the emergency spillway for pond P-W11-01 has been verified to be 40 feet. See the revised Details of P-W11-01 drawing of Section 3.3.38.1.
90. See the revised Surface Water Management Plan Map of Section 3.3.2.
91. See the revised Surface Water Management Plan Map of Section 3.3.2. Proposed sedimentation ponds P-W04-05 and P-W04-06 have been placed on the map, and will control runoff from the NE¼ Section 4, T145N, R88W.
92. See the revised Surface Water Management Plan Map of Section 3.3.2. Proposed sedimentation ponds P-W27-04, P-W27-05, P-W27-06 and P-W27-07 have been placed on the map, and will control runoff from the NW¼SW¼ Section 27, T145N, R88W.
93. See revised pages 1-2 of Section 3.3.4. This section also reflects changes made for deficiencies #91 and #92.
94. See revised page 2 of Section 4.1.1. Coteau's reclamation plans, as discussed in Sections 3.1.1.1, 3.1.1.3, and 4.1.1, adequately address restoring the pre-mining land use capabilities as required by NDCC 38-14.1-24 (2). Post-mining slopes are generally flatter than pre-mining slopes, and average SPGM respread techniques provide an adequate and uniform soil bed for cropland and native grasslands.
95. See the Contingency Closure Plan Land Use Map of new Section 4.1.6, and the Contingency Closure Plan Land Use Comparison Table of new Section 4.1.7.
96. See revised page 6 of Section 4.1.1.
97. See revised page 5 of Section 4.1.1.
98. As described in Section 2.2.4, specifically "Effects of Future Mining Operations on Surface Water Features", segments of intermittent streams impacted by mining operations will be replaced with ephemeral streams. As such, there is no need at this time to discuss the reconstruction of intermittent streams. Plans for the reconstruction of larger ephemeral streams are discussed in Section 2.2.8, Stability Analysis of Reclaimed Drainage Channels.
99. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2. This map was revised to include secondary drainages throughout MA3 and in Section 5, T144N, R88W, similar to what exists pre-mining. Secondary drainages with sinuosity were also added to the N½ Sections 10 and 11 to break up long steep slopes and concentrate runoff to more defined drainages. Similar drainages were added to the SW¼ Section 3 to better define the drainages while increasing sinuosity.
100. See revised page 2 of Section 4.1.1.

101. No water resources were present in the pre-mining state for either of these tracts, and both had a pre-mining land use of native grasslands. Native grasses are not only used for grazing livestock, but for haying purposes as well. Therefore, no support facilities are required to achieve the post-mining land use.
102. Section 14, T144N, R88W is not located within the permit area, and will not be disturbed.
103. No changes will be made in Section 4.1.3. Coteau recently purchased this property from Leon and Corrine Walz.
104. The ND State Land Department requests are very specific. As much consideration as possible was given to their request of including a water development in every 80 acre tract, and for the most part, this was achieved with the topography of the area. Page 6 of Section 4.1.5 discusses a meeting held in 2004 concerning the preference statement in which stockponds will be constructed every quarter section. Adjustments were made to tree planting locations and size to better reflect the request made in the landowner preference statement. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2, and revised pages 1-2 of Section 4.1.3.
105. The pre-mining land use for the SE¼ Section 14, T145N, R88W was researched by the Mercer County Land Use Administrator, and it was determined that this area was zoned industrial in 1975 by American Natural Gas. The current post-mining land use is agricultural, and Coteau has no current plans to request any land use and/or zoning change in that area. It was also determined that a 16.01 acre tract (Tract 62) in the NE¼ Section 14, T145N, R88W was zoned industrial by Gravel Products, Inc. The current land use has associated mining disturbance, and Coteau will be reclaiming this area to a low value agricultural land use.
106. Post-mining wetlands were condensed into one larger wetland on private land in the SE¼ Section 15, T145N, R88W to make more land available for grazing, as this wetland is located in a native grassland area. Also, condensing the four smaller wetlands into one larger wetland will increase the watershed contributing to this wetland, therefore increasing the capacity of the wetland. This larger capacity will be more suitable for wildlife in that the wetland will hold water for longer periods of time, allowing wildlife to be able to have a source of water.
107. Based on proposed post-mining topography and land use, grassed waterways have been proposed for ephemeral drainages in Sections 10, 11, and 15, T145N, R88W, and have been placed on the Post-Mining Topography and Land Use Map of Section 4.1.2.
108. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2.
109. All the details regarding revegetation procedures of reclaimed shelterbelt and woodland plantings can already be found in Sections 4.1.1 and 4.2.3. The location of each planting can be found on the Post-Mining Topography and Land Use Map of Section 4.1.2, and the acres can be found in Section 4.1.3. A separate table to list each planting is unnecessary and repetitive.
110. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2.
111. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2.

112. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2. This map was revised to include secondary drainages throughout MA3 and in Section 5, T144N, R88W, similar to what exists pre-mining. Secondary drainages with sinuosity were also added to the N½ Sections 10 and 11 to break up long steep slopes and concentrate runoff to more defined drainages. Similar drainages were added to the SW¼ Section 3 to better define the drainages while increasing sinuosity.
113. See the revised Post-Mining Probable Hydrologic Consequences Map of Section 2.2.6, the revised Ephemeral Drainage Profiles of Section 2.2.8.4, the revised Post-Mining Area Slope Map of Section 3.1.5, the revised Post-Mining Cross Sections of Section 3.1.6, the revised Temporary Cessation of Mining Plan View and Typical Cross Section of Section 3.1.8.1, the revised Post-Mining Topography Development Map of Section 3.1.9, the revised Contingency Closure Plan Contour Map of Section 3.1.10, the revised Post-Mining Topography and Land Use Map of Section 4.1.2, revised pages 1-2 of Section 4.1.3, revised pages 1-3 of Section 4.4.2.2, and revised pages 1-2 of Section 4.5.2.1. The post-mining topography was modified to minimize the acreage with slopes exceeding 12% to break up long, steep slopes with secondary drainages, and varying the slopes to decrease velocity of the runoff in specific situations.
114. It is necessary to keep the hill near the section corner common to Sections 9, 10, 15, and 16 due to the prebench offsets that Coteau used to develop the post-mining topography. Also, this is where the final highwall location will be, so it will be necessary to create a well- drained area that creates steeper slopes.
115. See the revised Post-Mining Probable Hydrologic Consequences Map of Section 2.2.6, the revised Ephemeral Drainage Profiles of Section 2.2.8.4, the revised Post-Mining Area Slope Map of Section 3.1.5, the revised Post-Mining Cross Sections of Section 3.1.6, the revised Temporary Cessation of Mining Plan View and Typical Cross Section of Section 3.1.8.1, the revised Post-Mining Topography Development Map of Section 3.1.9, the revised Contingency Closure Plan Contour Map of Section 3.1.10, the revised Post-Mining Topography and Land Use Map of Section 4.1.2, revised pages 1-2 of Section 4.1.3, revised pages 1-3 of Section 4.4.2.2, and revised pages 1-2 of Section 4.5.2.1. The post-mining topography was modified to reduce the slope of a hill located in the NE¼ Section 14. This hill was also decreased in elevation by almost 20 feet from what was proposed in the previous post-mining topography to better represent what existed pre-mining. The drainage in the NE¼ was also better defined and increased sinuosity in an effort to concentrate the runoff into this drainage.
116. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2.
117. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2, and the revised pages 1-2 of Section 4.5.2.1.
118. The Betty Giese preference statement was reviewed and given consideration even prior to this revision. See page 3 of Section 4.1.5. Coteau is required by law to replace the tress that it disturbs, which must meet standards prior to bond release. Additionally, the topography of the land does not present optimum locations for the additional trees. Coteau, at its discretion, may plant additional trees for Betty Giese, but would only do so if they were not required to meet standards for bond release. No changes were made.

119. Consideration was given to moving the stockpond further upstream. However, then the watershed is reduced in area. To provide a better watering source, the location of the stockpond will remain as shown.
120. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2, and revised pages 1-2 of Section 4.1.3. After further review, Coteau has decided to reclaim the SW¼ Section 34 to cropland/hayland, as the Post-Mining Land Use Map of Section 4.1.2 depicts. Coteau will add wetland acres to this area that were not replaced on other tracts under the same surface owner. The post-mining land uses around the SW¼ Section 34 are predominantly cropland. Cropland/hayland associated wetland acres will fit nicely in the S½ Section 34.
121. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2.
122. Based on proposed post-mining topography and land use, grassed waterways have been proposed for ephemeral drainages in Sections 10, 11, and 15, T145N, R88W, and have been placed on the Post-Mining Topography and Land Use Map of Section 4.1.2.
123. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2.
124. At this time, Coteau's disturbance boundary appears it will remain north of the proposed pre-mining shelterbelt in the NW¼ Section 3, so we may not need to relocate it. In the event Coteau does disturb this area, consideration will be given to moving the location of the shelterbelt.
125. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2. Planting details are currently outlined in Section 4.1.1.
126. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2. Stockpond SP-W05-01 has been moved so that its location is closer to the middle of the quarter section.
127. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2. The large reclaimed wetland has been reconfigured into two smaller wetlands; stockpond SP-04-01 is now located between the two smaller wetlands.
128. Careful consideration was given to the reclamation of developed water resources along this drainage. The proposed plan evenly distributes available water resources throughout the watershed, and each native grassland tract associated with this drainage has dependable water resources for livestock. As currently stated in Section 4.4.1, Coteau plans to establish mesic pockets along drainages like the one in Sections 6, 7, and 8 to retain runoff from these areas.
129. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2.
130. See the revised Post-Mining Topography and Land Use Map of Section 4.1.2.
131. See revised page 1 of Section 4.1.3.
132. See revised pages 1-2 of Section 4.1.3.
133. See revised pages 1-2 of Section 4.1.3.
134. See revised pages 1-2 of Section 4.1.3.
135. See revised pages 1-2 of Section 4.1.3.
136. See revised pages 1-3 of Section 2.4.4 and revised pages 1-2 of Section 4.1.3.

137. Table 2 of new Section 2.3.7.2 presents a comprehensive inventory of pre-mining grand water sources (wells and springs) that are located in the permit and adjacent area, and Table 1 of Section 2.2.1.1 contains a comprehensive inventory of pre-mining surface water supplies (stockponds) also located in the permit area. Regarding pre-mining ground water sources, replacement of impacted sources is addressed in Table 2 of new Section 2.3.7.2. Regarding pre-mining stockponds impacted by mining, replacement stockponds are addressed in Section 4.5.2.1. This discussion has also been added to page 5 of Section 4.1.1, as requested in deficiency #97. Section 4.1.5 was not updated, as the information was placed in Section 4.1.1.
138. See revised page 1 of Section 4.2.2. A separate seed mix is not necessary with the addition of the language in this section, which addresses enhancement of the current approved rangeland seed mix with grasses more suitable to wet areas. Your suggestion that "Coteau should commit to direct respreading of riparian topsoil along portions of recreated intermittent streams where possible" has been taken under advisement.
139. See revised page 3 of Section 4.1.1 and revised page 2 of Section 4.3.1. Actual woodland acres disturbed by mining will be determined by comparing the Native Trees and Shrubs Map of Section 2.4.13 to the final disturbance line and calculating the replacement acreage required.
140. The Consolidated Vegetation Success Standards document is in the process of being updated in Revision 13 to NACT-0401.
141. The restoration of the post-mining meandering channels referred to in this deficiency can be seen on the Post-Mining Topography and Land Use Map of Section 4.1.2, and the reclamation of ephemeral streams are discussed in Section 2.2.8.
142. Consideration was given to the request of the landowner, but in this case, given the 20 acres of seasonal wetlands that are required to be replaced, the additional request for multiple developed resources per 80 acre tract, and the topography of the tract, it was most feasible to replace the wetlands as depicted on the Post-Mining Topography and Land Use Map of Section 4.1.2.
143. See revised pages 1-2 of Section 4.4.2.1.
144. No changes are necessary.
145. See revised pages 1-2 of Section 4.5.2.1.
146. Coteau, NDPSC staff, and OSM held a conference call with regard to this issue on January 8, 2015. Coteau was informed by OSM at that time that the existing West Mine Area Environmental Impact Statement (EIS) would need to be updated (tiered) to obtain federal mine plan approval. Coteau had a follow-up call with OSM and NDPSC staff on February 9, 2015 to lay out the plan and further discuss detailed for the tiered EIS. Coteau will be working with OSM staff members Lauren Mitchell and Gene Hay with regard to updating the existing EIS, which submitted in July 2005. The update will address the concerns in this deficiency.

147. The stockpiles and roads have been reviewed, and as of the plan at this date, these items will remain as shown on the Pit Layout and Facilities Map of Section 3.1.3. Letters will be sent to the surface owners of tracts 65, 68, 70, 71, 72, 73, and 91. Copies of these letters have been added to Section 1.4.2, and a new Surface Owner Notification Map – Revision 18 has been added as new Section 1.4.5.

In addition, the following changes were made:

1. Pages 19-22 of Section 1.1.2 was updated with all revised/added sections.
2. In Section 1.5.1, Ronald Raeszler's address was updated in Tracts 3, 4, 9, 16, and 17; the surface ownership was updated to Coteau in Tract 64; Tanner Reinhardt's address was updated in Tract 72; and Lease No. 01806 was terminated and Hope Smith's address was updated in Tracts 7 and 107.
3. The surface ownership was updated to Coteau in Tract 64 on the Surface and Coal Ownership map of Section 1.5.3.
4. Sections 2.1.1 and 2.1.2 were updated to change the rock unit ages to match the ND Stratigraphic Column from Ed Murphy, 2009. This ND Stratigraphic Column was also updated on page 3 of Section 2.1.1.
5. Section 2.1.5 was updated to add reference to the ND Stratigraphic Column from Ed Murphy, 2009.
6. Pages 1-2 of Section 2.3.5 was updated to reference other changes to Sections in 2.3.
7. New sections 4.5.3 and 4.5.3.1 were added for the design of stockpond SP-W25-02. A certification letter section was added to Section 4.5, and an original certification letter is enclosed.

If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY

Troy J. Leingang
Environmental Manager

LDR
Enc.

cc: Shana Brost, Mercer County Auditor (w/enc.)

THE COTEAU PROPERTIES COMPANY

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

FREEDOM MINE

204 County Road 15
Beulah, North Dakota 58523-9475

(701) 873-2281 • Fax (701) 873-7226

April 1, 2015

To the Reviewing Agency:

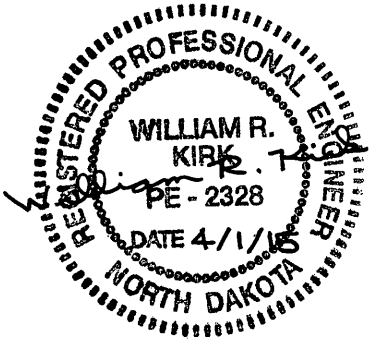
This letter serves to certify the design for permanent stockpond SP-W25-02, which was prepared by me, or under my direction, for the purpose of filing Revision 18 to Permit NACT-0201. I also certify that I have experience in the design of impoundments, and that the plans prepared for Revision 18 incorporate current design requirements established by the North Dakota Public Service Commission.

Sincerely,

THE COTEAU PROPERTIES COMPANY

William R. Kirk

William R. Kirk PE
Senior Staff Engineer
Registration No. PE-2328
North Dakota



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