



Public Service Commission

State of North Dakota

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October 4, 2016

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

Dear Mr. Leingang:

The Reclamation Division has completed an initial review of final bond release application No. 7 to Permit NACT-9101. Items 1 through 7 below must be addressed prior to publishing the public notice and sending the landowner and agency notification letters. The remaining items may be addressed at this time or at a later date.

Attachment III – Legal Advertisement

1. The first paragraph of the public notice incorrectly states that the permit is bonded for an amount totaling \$144 million. Please correct this amount since the consolidated bond amount is currently \$146 million. (GAW/BEB)
2. Please revise the second paragraph of the public notice to mention the postmining land uses, cropland and county road, and the results of the reclamation achieved as required by NDCC 38-14.1-17 (a)(1)(5). (GAW)
3. Please complete or remove the sentence structure error in the second paragraph which states “*No coal was removed from the tract included in this bond release. that same year”.* (BEB/GAW/WTG)
4. As necessary, please describe in the public notice whether or not a portion of this bond release tract (northeast corner) was disturbed by mining activities and eventually reclaimed to existing County Road 27 or its Right-of-Way. (BEB)

Attachment IV - Letters to Surface Owner and Government Agencies

5. Please fix the hyperlinks to Attachments IVa and IVb so that the documents open as intended. (GAW/FSE/BEB/WTG)

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6. The first paragraph of the adjacent land owner notice letter incorrectly states that the permit is bonded for an amount totaling \$144 million. Please correct this amount since the consolidated bond amount is currently \$146 million. (GAW/BEB)
7. Please make a minor clarification to the fourth paragraphs of Attachments IVa and IVb letters to state that written comments, objections, or requests for an informal conference or public hearing on this bond release may be submitted within 30 days after the last publication of "~~this notice~~ the legal advertisement." (WTG)

Technical Deficiency Items that may be addressed at a later date:

Attachment V - Surface Ownership, Land Use and Soil Depths Map

8. Please revise Attachment V to show the topsoil and subsoil respread depths on the area initiated in 1997. (GAW)

Attachment VI – Contour and Revegetation Map

9. Please revise Attachment VI to identify the area affected and reclaimed in 1997. (GAW)

Attachment VIIIa – Vegetation Management and Production

10. The first paragraph of Attachment VIIIa states that a sediment pond was the only disturbance on this tract. The 1997 Annual Mine map shows areas affected by topsoil and subsoil piles and it identifies two areas where the revegetation period was initiated in 1997. It also appears to show that a small portion of the northeast corner of the tract was mined since it is listed as having had grade approval and SPGM respread in 1997. Please revise the narrative to accurately characterize the mining and reclamation activities associated with this tract. There should also be a discussion about rebuilt County Road No. 27. (GAW/WTG)
11. Please update the first paragraph of Attachment VIIIa to clarify how many acres of undisturbed land is included in this bond release application so that we can determine the acreage of reclaimed land by land use. (GAW)
12. Please address the acreage of prime farmland in the bond release tract that was affected and reclaimed in Attachment VIIIa. (WTG)
13. Please revise Attachment VIIIa to reference where the detailed pre-mine soils map can be found in this bond release application. (GAW)
14. Please revise Attachment VIIIa to include a detailed evaluation of the annual management of the reclaimed tract compared to control area which is being used to demonstrate revegetation success. It appears that only a portion of the Wolf Section 18 reference area was used to demonstrate revegetation success for some years but the expected yield of the control area is not being updated accordingly. Also, all of the crops grown on the reclaimed and the control area needs to be listed for each year since 2011 to determine if the reclaimed and control area have been managed equivalent in effect. (GAW)

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15. Please update Attachment VIIIa to include a discussion about why, in this instance, it is acceptable to whole field harvest an area that contains prime and non-prime farmland and undisturbed land. (GAW)
16. The current version of the CVSS on file with the Reclamation Division does not appear to recognize the disturbance associated with the area reclaimed in 1997. This may or may not change the unadjusted yield standards for the Dakota Star Region, but this should be evaluated to ensure accuracy and the acreage values in Attachment VIIIb may need to be updated accordingly. (GAW)
17. Attachment VIIIb, Cropland Productivity Standards, includes prime and non-prime farmland yield values for the undisturbed cropland in the tract (field). These unadjusted yield values are not included in the current version of the CVSS that is on file with the Reclamation Division. Please provide this information in the bond release application. (GAW)
18. Please include a bookmark for each item in Attachment VIIIId, Control Area and Reclaimed Area Cropland Surveys, so that the information is understandable. It is currently not entirely clear which year is being represented with the maps and elevator samples and receipts. (GAW)
19. As briefly mentioned in Attachments VI and VIIIa, the proposed bond release application contains 1.4 acres associated with County Road 27, of which a portion was disturbed by mining activities. Please discuss the reclamation activities associated with this road and either provide ground cover data for the road ditch, or explain why it is not necessary in this instance. (GAW)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division