



# Public Service Commission

## State of North Dakota

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November 9, 2017

Ms. Sarah Flath  
Environmental Manager  
Coteau Properties Company  
204 County Rd. 15  
Beulah, ND 58523

Dear Ms. Flath:

The Reclamation Division has reviewed Coteau's September 20<sup>th</sup> response to our July 19, 2017 review letter of Bond Release Application No. 7 to Permit NACT-9101. The bond release application must be updated to address the issues listed below prior to this office recommending Commission action.

### **Attachment VIIIa – Vegetation Management and Production**

1. Follow-up to Item No. 7: The narrative in the third paragraph under the heading Revegetation Success in Attachment VIIIa was not revised with other updates made in response to this deficiency. The narrative states that the reclaimed tract was seeded to hard red spring wheat each year from 2011 to 2015 but the reclaimed cropland survey for 2015 indicates that hard red winter wheat was grown on the reclaimed tract. Also the narrative for the cropland control area tract needs to be updated to reflect the actual crops grown on the control area tract 18WOLF7 in 2015. (RLK)
2. Follow-up to Item No. 9: Please revise Attachment VIIIa to include a discussion about the reclaimed county road, which is considered Industrial and Commercial land per NDAC 69-05.2-23-02. Areas of the road right-of-way that are not paved or surfaced must have ground cover adequate to control erosion as required by NDAC 69-05.2-22-07(4)(j). Please revise Attachment VIIIa as necessary to demonstrate revegetation success. (GAW/RLK)

### **Attachment VIIIb – Vegetative Productivity Standards for Cropland**

3. Follow-up to Item No. 10: Step 1 of Attachment VIIIb, Cropland Productivity Standards, incorrectly indicates that the weighted average yield of the undisturbed prime farmland is 22.4 bushels per acre. Please revise the Section 21 undisturbed prime cropland productivity standard calculations on page 4 of Attachment VIIIb and the yearly standards listed on pages 1 through 3 of Attachment VIIIb, accordingly. It appears that the undisturbed prime farmland unadjusted standard should be 32.56 bu/ac rather than 22.4 bu/ac. (GAW/RLK)

**Attachment VIIIc – Yield Calculations and Test Weight Comparison**

4. Follow-up to Item No. 11: The 2015 control area yield calculation was updated to include changes that are not necessary as a result of the realization that spring wheat was not grown on control area field 18WOLF7. The revised acreage of 20.5 acres appears appropriate but the changes to the total gross bushels and adjustments for dockage and test weight changes do not agree with the truckload delivery scale ticket provided in Attachment VIIIId. Please correct the yield calculations as appropriate. (RLK)
5. Follow-up to Item No. 13: The photography available for the 2012 crop year does not support the assertion that all three fields within the control area were planted to spring wheat on the same day as indicated on the crop reporting forms provided. Please consider including an explanation for the difference in crop appearance depicted on the available photography or revise the discussion as appropriate. (RLK)

**Attachment VIIIId – Control Area and Reclaimed Cropland Surveys**

6. Follow-up to Item No. 17: As previously requested, please develop separate unadjusted cropland productivity standards for each strip of cropland in Luella and Gerald Wolf's cropland control area located in Section 18 if only portions of this cropland control area are being used to demonstrate revegetation success. The unadjusted yield standard, 30.9 bu/ac, is not valid if the entire cropland control area is not being used. Coteau is proposing to use only Wolf fields 5 and 6 to demonstrate revegetation success in 2015 and these two strips do not contain any prime farmland, which is problematic. Only Wolf field 7 is being used in 2013 and it appears the unadjusted standard for this field should be higher than the value calculated for the entire control area. Please revise as necessary to demonstrate revegetation success. (GAW/RLK)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos  
Director  
Reclamation Division