



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
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Executive Secretary
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600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

December 21, 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 November 21, 2017 response to our 3rd technical review of pending Final Bond Release Application No. 7 to Permit NACT-9101. The following items must be addressed prior to this office recommending Commission action. The follow-up item numbers referenced below pertain to our third technical deficiency letter dated November 9, 2017.

Attachment VIIIa – Vegetation Management and Production

1. Follow-up to Item No. 2: Please revise or replace the last sentence of the paragraph related to the industrial land use for the county road right-of-way portion of the bond release tract to clarify how it was determined that erosion is not occurring in the road ditch. This should include a brief description of the type and density of ground cover present in the road ditch and a visual estimate of ground cover. (RLK)

Attachment VIIIb – Vegetative Productivity Standards for Cropland

2. Follow-up to Item No. 3: The unadjusted yield standard of the undisturbed prime farmland soils in Step 1 of Attachment VIIIb, Cropland Productivity Standards, has been changed to 32.3 bushels/acre but the "Undisturbed Vegetative Productivity Standards for Prime Cropland" table on page 4 of Attachment VIIIb – Cropland Productivity Standards has not been updated. It appears the value of 32.3 bushels was obtained from the Table on page 31 of Section B-2 of the CVSS that was calculated using prime farmland soils that were disturbed in Section 21. Language on page 5 of Section B-1 of the CVSS states that at the time of bond release, ... the soil of the undisturbed acreage of the field will be used to establish the actual unadjusted standard for the tract. Please revise the first Table on page 4 of Attachment VIIIb and recalculate the unadjusted standard values listed on pages 1, 2 and 3 of Attachment VIIIb accordingly. (GAW)

Attachment VIIIc – Yield Calculations and Test Weight Comparison

3. Follow-up to Item No. 5: The 2012 cropland survey information for the control area presents several record/data quality concerns. While we respect the farm cooperators efforts to address missing or questionable data items, 2012 may be too far in the past to resolve issues or gaps in records at this time. We suggest that Coteau obtain crop production information for 2016 and 2017 for the bond release tract and control area. We may be able to work with a portion of the 2012 control area information (18WOLF5 and maybe 18WOLF6); however, more recent crop information may be more reliable and helpful for demonstrating revegetation success for the cropland within this bond release tract. (RLK)

Attachment VIIIId – Control Area and Reclaimed Cropland Surveys

4. Follow-up to Item No. 6: As requested, Coteau developed unadjusted cropland productivity standards for each strip of cropland in the Wolf control area in Section 18 using areas delineated as prime farmland by NRCS rather than the detailed soil survey. Please revise the unadjusted standards tables added on pages 7, 8 and 9 of Attachment VIIIb – Cropland Productivity Standards, so the prime and non-prime soils are not separated. The information in these tables can be shown in the same manner as presented on page 8 of Section B-7 of the Consolidated Vegetation Success Standard (CVSS) document. (GAW)
5. Follow-up to Item No. 6: A small area of previously disturbed land occurring along the east margin of the control area field labeled 18WOLF7 does not appear in the unadjusted standard calculation provided on page 9 of Attachment VIIIb. The corresponding control area productivity standard presented in the CVSS document, page 8 of Section B-7, identifies the area as 1.38 acres of Mined Land soils with a Productivity Index of 20%. Please review and revise page 9 of Attachment VIIIb as appropriate. (RLK)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos
Director
Reclamation Division