

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

July 10, 2019

Mr. Dean K. Moos
Director Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

Dear Mr. Moos:

Revised Final Bond Release #8 to Permit NACT-9101 has been uploaded to the Permit Services site. Changes to text have been tracked using track changes. Responses below refer to technical deficiencies in your May 22, 2019, letter:

Application Form (SFN 19813)

1. *Please revise the bond release application (SFN 19813) to clarify that Coteau is requesting all four stages of bond release, not just fourth stage, and identify each of these stages as required by NDCC 38.14-17(7). Although we allowed similar language with recently approved Final Bond Release 7 to Permit NACT-9101, the application should clearly state that the request is for all four stages of bond release, Stage 1 –backfilling, grading, and drainage control, Stage 2 – SPGM respread, Stage 3 – vegetation establishment and Stage 4 – revegetation success. (GAW)*

The application form has been updated with the requested information.

2. *Please revise the bond release application (SFN 19813) to separately identify each tract by surface ownership and provide the acreage associated with each ownership tract. (GAW)*

The application has been updated to identify the tracts by separate landowner.

Attachment III: Public Notice

3. *Please provide a more precise legal description of the bond release tract in the public notice as required by NDCC 38-14.1-17(1)(a)(1). This may be accomplished by inserting the “W1/2” in front of Section 15 in the first sentence of the public notice. (GAW)*

Language has been added to the public notice.

4. *Please indicate the number of acres actually affected by mining activities and reclaimed within the bond release tract in accordance with NDCC38-14.1-17. (RLK)*

Language has been added to the public notice.

5. *Please depict and label Harmony Lake Recreation Area and Lake on the map included with the public notice as required by NDCC 38-14.1-17 and Policy Memorandum No. 9 to Mine Operators to allow local readers to realize the bond release area. (BEB)*



Map has been updated to reflect the requested changes.

Attachment IV: Letters to Interested Parties

6. *Irene Scheid is listed as a surface owner in Attachment IV but the Surface and Coal Ownership Map, Section 1.5.3 of pending Revision 35 to Permit NACT-9101 identifies the owner as Irene Schied, Life Estate with Timothy Scheid and Candace Scheid as Remaindermen. Please revise accordingly. (GAW)*

Ownership information has been revised.

7. *The list of adjacent surface owners on page 1 of Attachment IV does not include a complete list of adjacent surface owners according to the Surface and Coal Ownership Map, Section 1.5.3 of pending Revision 35 to Permit NACT-9101. The following individuals or entities are listed as adjacent surface owners on the Surface and Coal Ownership Map in the Permit but are not included in Attachment IV. DeAnn Riegel and Mark Riegel; Lamar Goetz, Garret Goetz, Cynthia Morrison-Lan, Brian Lang, Brian C. Maxim, Sherry Carpenter and Holly Jo Stein; North Dakota Department of Trust Lands; ND Game and Fish Department. (GAW)*

Ownership information has been revised.

8. *Gordon Goetz, Irene Wiedrich and Robert Scheid are listed as adjacent surface owners in Attachment IV but these individuals are not identified as adjacent surface owners in Section 1.5.3 of Permit NACT-9101. Please review and correct as necessary. (GAW)*

Ownership information has been revised.

9. *Please include State Soil Conservation Committee in the list of Government Agencies to be notified as required by Policy Memorandum No. 9 to Mine Operators. (GAW)*

State Soil Conservation Committee has been added to the list of Government Agencies.

Attachment V: Topographic and SPGM Depths Map

10. *Please revise the Topographical and SPGM Depths Map to depict all areas where SPGM was removed and replaced, and provide SPGM respread thicknesses for these areas. This would include the sites of sediment ponds P-D15-01 and P-D15-02 and subsoil piles SS-140, SS-142, SS146, SS-152 and SS-164. The 1996 Annual Mine Map also shows that topsoil and subsoil was to be respread along the east side of the SW1/4 of Section 15. (GAW/RLK)*

Map has been updated to reflect the requested changes.

Attachment VII – Reclamation History

11. *Please revise the Reclamation History to clarify if the W1/2 of Section 15 was managed as a single field or individually by surface ownership. Separate revegetation productivity standards were developed for each surface owner, and a map in Attachment Xb identifies two separate fields by ownership, but it appears both tracts were planted and harvested as a single field. The summary yield table near the end of Attachment X shows identical actual yields during two sampled years. If the bond release tract was not harvested separately by surface ownership, then signed waivers from the surface owners are needed agreeing to a combined yield standard,*

which would then need to be calculated. It is inappropriate to prorate truckloads or otherwise estimate individual ownership yields from data from the entire W1/2 of Section 15 without appropriate documentation. (GAW)

The Reclamation History narrative has been updated to include language describing that the field was managed as one unit. In addition, signed waivers have been attached as Attachment VIIa. Narrative about how the combined yield standard was calculated was also added in Attachment X.

Consolidated Revegetation Success Standard (CVSS)

12. *The cropland productivity standard for the NW1/4 of Section 15 of T145N, R86W is for Irene Wiedrich but Bond Release Application No. 8 indicates that Brandley and Camey Gunsch own the property. Please correct this error in the CVSS and include appropriate unadjusted standard information in the bond release application. (GAW)*

The CVSS and bond release application have been updated with the correct information

13. *The cropland productivity standard for the SW1/4 of Section 15 of T145N, R86W is for Robert Scheid but Bond Release Application No. 8 indicates that the property is owned by Irene Scheid Life Estate with Timothy Scheid and Candace Scheid as Remaindermen. Please correct this error in the CVSS and include appropriate unadjusted standard information in the bond release application. (GAW)*

The CVSS and bond release application have been updated with the correct information.

14. *Coteau is using a Gerald Wolf cropland control area in Section 6 of T145N, R86W to demonstrate revegetation success in 2014 and 2017, and Gerald Wolf's cropland control area in Section 18, T145N, R86W to demonstrate revegetation success in 2015. Ideally, the same control area would be used to climatically adjust yields to demonstrate revegetation success and if different control areas are being used in different years then ample justification is needed to clearly demonstrate the reclaimed and control areas were managed the same during the revegetation responsibility period. Please provide adequate justification as to why a single control area is being used to demonstrate revegetation success. (GAW)*

Data was not available to use the same control field for the years the standard was met. Either a different crop was planted or harvest data was not available. Coteau believes that since the control fields are close (6EWIED1/2/3 – 3 miles from the bond release tract and 18WOLF5/6/7 2.25 miles from the bond release tract) to the bond release tract and were managed in the same manner as the bond release tract, the data is sufficient in showing that the standard was met.

The Reclamation Division will need an AutoCAD file that depicts the boundaries of the proposed bond release tract prior to conducting the official bond release inspection of the property.

An AutoCad file containing the boundaries was uploaded to permit services with this submittal.

Mr. Dean K. Moos

July 10, 2019

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If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY

/s/

Dillon Belisle

Environmental Specialist

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