



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
Randy Christmann

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

September 25, 2019

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

Dear Ms. Flath:

The Reclamation Division will delay further review of Final Bond Release Application No. 8 to Permit NACT-9101 until Revision 35 to Permit NACT-9101 has been approved, or until Items No. 5 and No. 6 of our Revision 35 technical review letter dated September 13, 2019 have been appropriately addressed.

Items No. 5 and No. 6 in our Revision 35 technical review are listed below.

5. Follow-up to Items No. 7 and 8 of our letter dated November 29, 2018: Reclaimed cropland persistently affected by high water in an adjacent undisturbed wetland in the NW1/4 of Section 15 must be reclassified as seasonal or more permanent wetland. NAIP aerial photography shows that this area has been inundated by water since 2009. It would be inconsistent for the Reclamation Division to administratively to move reclaimed prime farmland from this area because water or saturated soils prevented tillage during the revegetation responsibility period but simultaneously classifying this area as cropland. Please revise appropriate narrative, maps and tables in Section 4.0, Reclamation Plans, and update Section 5.1, Post-Mining Wetland, with wetland narrative, designs and drawings as appropriate. (GAW)
6. Follow-up to Item No. 7: Please revise the Section 15 (east) narrative as proposed on page 14 of Section 4.1.1 (Post-Mining Land Use Narrative) to accurately describe administratively relocating prime farmland reclamation on Section 4.1.2 (Post-Mining Topography and Land Use Map) that was impacted by wetland encroachment. We suggest the following edits to the proposed narrative: "The ~~revised affected~~ prime respread ~~is shown adjacent to the actual prime respread~~ **was administratively relocated to the SW1/4NW1/4 of Section 15** on a 48-inch respread area within the same landowner's land. Approximately ~~four~~ **three** acres of prime respread was adjusted." (WTG)

Permit NACT-9101 must be updated prior to the approval of Final Bond Release No. 8 to Permit NACT-9101 and the information provided in the bond release must be consistent with Revision No. 35.

If you have any questions, please contact this office.

Sincerely,

Dean K. Moos
Director
Reclamation Division