

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

March 25, 2020

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

Dear Mr. Moos:

Final Bond Release #8 to Permit NACT-9101 has been uploaded to the Permit Services site. A copy of this letter and an updated application form have been mailed to your office. Changes to text have been tracked using track changes and highlighted in yellow. Responses below refer to technical deficiencies in your March 11, 2020, letter:

Final Bond Release No. 8 Application Home Page

1. *Please revise the Final Bond Release No. 8 Application Home Page to number the attachments. (WTG)*

Final Bond Release No. 8 Application Home Page has the attachments numbered with Roman numerals following the bond release application form.

Attachment I. Final Bond Release Tract Map

2. *Please add the attachment number to the Attachment 1 title box. (WTG)*

Attachment 1 has been updated to include the requested changes.

Attachments IVa and IVb Letters to Interested Parties

3. *Please correct the spelling for Cynthia Morrison-Lang. (WTG)*

The spelling of Cynthia Morrison-Lang has been corrected.

4. *Please address David Glatt as the Director of the North Dakota Department of Environmental Quality. (WTG)*

This section has been updated with the requested changes.

5. *Please update the letters to surface owners and adjacent surface owners, and those to government agencies, with the same red underscore updates made to the first and second paragraphs of Attachment III (Public Notice); i.e., “the W½” of Section 15, and “on the 259.934 acres that were disturbed from mining or considered to be associated disturbance”. (WTG)*

Language in the letters to surface owners and adjacent surface owners and those to government agencies has been updated to reflect the requested changes.

Attachment VII – Reclamation History

6. *The reclamation history narrative is incomplete and should be expounded upon to describe reclamation activities from coal removal to the present. The narrative needs to include information required for each bond release stage. NDAC 69-05.2-12-12(9) (PJR)*

Attachment VII has now been incorporated into the general information section. This section contains all information requested.

7. *Please update Table VII-1, Management, with crop history information during 2012 and 2013 to confirm that the reclaimed tract has been managed the same, or equivalent in effect, to the control areas, and that it is appropriate to adjust the 2014 standard for continuous cropping. (GAW)*

*Incorporated into Attachment VI – General Information

Producer data was not provided for the years requested. Looking at Coteau’s imagery and USDA-FSA-APFO aerial photography from 2012, it appears row crops were planted within the tract during the 2012 and 2013 growing seasons. The reclamation history section has been updated with these changes.

Attachment X: Cropland

8. *Please include additional bookmarks or subsections in the Cropland Section of the application, Section X, so that the information provided can be found without paging through lengthy multi-page pdf documents. (PJR/GAW)*

Additional bookmarks have been added to Attachment IX to make it easier to navigate.

9. *Please add narrative to further describe the complete management history of the reclaimed tract(s) and control areas as required by the CVSS and NDAC 69-05.2-12-12(08). Narrative should also be added to explain why different climatic correction methods were used and why two different control areas were used to demonstrate revegetation success. (PJR/GAW)*

When initially submitted, two control fields were being used. 18COTEAU5/6/7 and 6EWEID1/2/3. Either of the fields could have been used to demonstrate revegetation success for the reclaimed tract as they were managed by the same producer and cropped the same as the bond release tract. Because it is approximately ½ mile closer to the reclaimed tract, 18COTEAU5/6/7 was originally used for one of the years to prove reclamation success. Data couldn’t be used from 18COTEAU5/6/7 since it was planted to canola in 2017; as a result, 6EWEID1/2/3 was used to

prove reclamation success. Calculations have been revised to use 6EWEID1/2/3 as a control area for both years to prove reclamation success.

During the 2014 growing season, usable data was not available from 18COTEAU5/6/7 as data was not turned in by the producer. Although managed in the same manner, a different producer farmed 6EWEID1/2/3 during the 2013 growing season. To eliminate this as a possible concern Coteau used the county average to prove reclamation success in 2014.

10. *Please provide at least two years of management and cropping history information for the control areas preceding the year the control areas are being used to demonstrate revegetation success. This is needed to show that the control areas have been managed the same, or equivalent in effect, to the reclaimed tract. (GAW/PJR)*

Narrative has been added to Attachment IX which further describes the management of control field 6EWEID1/2/3.

11. *The 2014, 2015 and 2017 unadjusted yield standards have been calculated with 124.15 acres of disturbed prime farmland and 113.92 acres of disturbed non-prime farmland. Tables in Section B-2 of Consolidated Vegetation Success Standards indicate these values should be 123.1 acres (94.55 + 28.55) and 130.99 acres (53.51 + 77.48), respectively. Please review and revise as necessary. If errors exist in the Tables in the CVSS then an updated version must be included in the bond release application. (GAW/PJR)*

The tables in the CVSS are correct. Wrong acreages were used in the initial calculations. This has been corrected and now reflects the accurate data.

12. *The Section 18 Cropland Control Survey sheet indicates that only 20.5 acres in the 34.63 acre field were harvested. Please revise Attachment Xc to clarify which portions of the 18Wolf 5/6/7 control area were harvested in 2015. The productivity standard for the control area must be derived from the soils of the area harvested. (GAW)*

Section 18 control is no longer being used in the calculation of the productivity standard.

13. *The CVSS contains separate unadjusted standards for the Scheid and Gunsch properties located in the NW1/4 and SW1/4 of Section 15. Please include a table in Attachment X that shows how a combined unadjusted standard was calculated for the W1/2 of Section 15. (GAW)*

Tables have been included in Attachment IXa that show the combined unadjusted yield standard for the Scheid and Gunsch properties.

Mr. Dean K. Moos
March 25, 2020
Page 4 of 4

If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY

/s/

Dillon Belisle
Environmental Specialist

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