



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

June 25, 2020

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

Dear Ms. Flath:

The Reclamation Division has completed a technical review of the application for Final Bond Release No. 8 to NACT-9101. The following items must be addressed prior to this office recommending Commission action.

Attachment VI – General Information

1. Please revise the introduction to Attachment VI to include the total acres of mining disturbance, associated disturbance, and undisturbed land included in the bond release application. (ZAB)
2. Original Item No. 6 in our March 11, 2020 letter: 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). Coteau responded to this item by moving the tract management information from one attachment to another. Please provide a detailed reclamation history for the bond release tract that includes grade approval dates, pond removal and reclamation, installation of the grassed waterway, etc. (PJR/ZAB)
3. Please revise Attachment VI, General Information, to clarify, by land use, how many acres were disturbed by mining activities in each surface owner tract. This includes prime and non-prime farmland, roads and right-of-way, and wetland acreage. (GAW)
4. Please revise Attachment VI, General Information, to include a discussion about whether any wetland acreage was disturbed by mining activities and depict on a map where any temporary (Class I and II) wetland acreage is being replaced. (GAW)
5. Please revise Table VI-2, Management, to mention differential settling repair work and include a discussion about repairing features during revegetation responsibility period. (GAW)

6. Please revise the Consolidated Bonding Plan narrative to include a statement that Coteau is not requesting any monetary reduction of the bond with this application. (ZAB)
7. Please revise the Bond Release Stages narrative to state that all four stages of bond release are being requested. (ZAB)

Attachment IXa: Vegetative Productivity Standards for Reclaimed Cropland

8. Follow-up to Item No. 8 from our March 11, 2020 letter: It does not appear that additional bookmarks were added as stated by Coteau in their response dated March 25, 2020. Please highlight and underline changes and ensure the bookmarks function. (PJR)
9. Follow-up to Item No. 9 from our March 11, 2020 letter: No narrative was added to clarify the management history. The second control area was simply deleted. Please add narrative that describes the reclaimed tract and control areas as required by the CVSS and NDAC 69.05.2-12-12(08). (PJR)
10. Please revise calculations to the same decimal place. It appears certain numbers are rounded up to the tenth place to potentially appear more favorable while other numbers are left to the hundredth place. Calculations should be consistent throughout the entire application. (PJR)
11. Please consider reformatting Attachment IXa for better readability. It appears to have many different size fonts throughout the attachment with many pages being half filled. A larger font size would assist in easier verification of the data presented. (PJR)
12. The calculated standards in Attachment IXa lists continuous cropped acres of 266.8, but Attachment VI Table V1-1 lists the total cropland acres for the W $\frac{1}{2}$ of Section 15 as 285.328. Please explain the acreage discrepancy or adjust the tables and calculations as necessary. (PJR)
13. Pre-mine cropland and soils associated with the semi-permanent wetland in the northwest corner of Section 15 have been included in calculations of the unadjusted standard. Specifically, mapping units 17 (Heil) and 85 (Harriet). The cropland located north of this wetland should not be included in calculation of the unadjusted standard since this area is clearly a distinct and separate field that has not been disturbed by mining. Please update Attachment IXa accordingly. (GAW)
14. Please review the 2014 NDASS Annual County Yield value for spring wheat, 44.1 bu/ac, listed on page 1 of Attachment IXa. National Agricultural Statistics Service online indicates the 2014 Mercer County spring wheat yield as 37.8 bu/ac. Please review and revise as necessary. (GAW)
15. Please review the narrative on roads in Attachment X. The narrative for County Road 27 on the west side of the bond release tract is adequate, but clarification is needed for the gravel roads on the North and South sides of the tract. The current narrative indicates that the road on the north side, 2nd Street SW, was disturbed by mining. However, the north road is adjacent to land that was not disturbed by mining and the 1996 Annual Map depicts coal loading where the south road is located. Please revise as appropriate. (ZAB)

Ms. Sarah Flath

June 24, 2020

Page 3 of 3

16. Please provide documentation that the roads on the north and/or south side of the bond release tract were inspected and/or accepted by Mercer County. (ZAB)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos

Director

Reclamation Division