

THE COTEAU PROPERTIES COMPANY

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

FREEDOM MINE

204 County Road 15
Beulah, North Dakota 58523-9475
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August 10, 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. Changes to text have been tracked using track changes and highlighted in green. Responses below refer to technical deficiencies in your June 25, 2020, letter:

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)*

Narrative has been added to address the requested changes.

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)*

Additional narrative was added to Attachment VI to further expand on the reclamation activities. In addition, a list of regrade packages included within the tract has been added within Attachment VI.

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)*

An additional column has been added to Table VI-1 which shows acres disturbed by mining. Roads and right-of-way were not recorded as a separate land-use when permit NACT-9101 was originally permitted. Therefore, it would be impossible to accurately depict how many acres of Road land use were impacted by mining. In addition, while calculating disturbed acres an error was found in which

255.480 acres were disturbed by mining activities, not 259.934 which was listed in the public notice and letters to interested parties.

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)*

Narrative has been added to further explain wetland acreage. In addition, a temporary wetland boundary was added to Attachment VIa.

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)*

Narrative was added to note the repair of differential settling.

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)*

Text has been updated with the requested changes.

7. *Please revise the Bond Release Stages narrative to state that all four stages of bond release are being requested. (ZAB)*

Text has been updated to show that all four stages of bond release are being requested.

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)*

Bookmarks were checked and all are present and in working condition within Attachment IXa.

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)*

Narrative was added to further clarify the management history of the tract.

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)*

The rounding errors of been corrected so that all decimal places are the same in the calculations.

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)*

The font size is the same for all tables; however, when creating pdfs the document is resized to fit the paper size. Margins were adjusted to make things as similar as possible.

12. *The calculated standards in Attachment IXa lists continuous cropped acres of 266.8, but Attachment VI Table VI-1 lists the total cropland acres for the W½ of Section 15 as 285.328. Please explain the acreage discrepancy or adjust the tables and calculations as necessary. (PJR)*

The post mining land use for the tract indicates there are 285.328 acres of post-mine cropland. The 266.8 acres used for the calculations is an acreage reported by the farmer of the actual acres farmed. The difference between the numbers can be attributed to grassed waterways not being farmed, temporary wetland features which may not have been seeded due to wet conditions, and the area north of the wetland which is not included in the calculations, but is included in the total for post-mining cropland.

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)*

The calculations have been adjusted to remove these areas from the calculations.

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)*

The 2014 NDASS Annual County Yield has been updated to reflect the correct information.

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)*

The narrative has been updated to clarify the issues mentioned above.

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)*

Additional documentation has been added that show the approval of County Road 27 and 3rd Street Southwest. No documentation exists for 2nd Street Southwest as the road was never closed. It was

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improved during the construction of the bypass. Once the bypass was no longer needed it was returned to its original state.

If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY

/s/

Dillon Belisle
Environmental Specialist

Uploaded via Permit Services