



Public Service Commission

State of North Dakota

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October 8, 2020

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

Dear Ms. Flath:

The Reclamation Division has reviewed Coteau's August 10, 2020 response to our initial technical review of Final Bond Release No. 8 to Permit NACT-9101. The following items must be adequately addressed prior to this office recommending Commission action.

General

1. Please update the Table of Contents on the html page. Currently, all attachments are listed in the table of contents as Attachment I. (ZAB)

Attachment VI – General Information

2. Follow-up to item No. 1 in our June 25, 2020 deficiency letter: The first paragraph of Attachment VI General Information includes the total acreage of 318.628 acres for the bond release tract. Please add a statement to the first paragraph that identifies how many acres within the bond release tract were undisturbed by mining. (ZAB)
3. Follow-up to items No. 1 and No. 3 in our June 25, 2020 deficiency letter: Please revise the road discussion on page 1 of Attachment VI to clarify how many acres of reclaimed county road right-of-way exists within the bond release tract. It is misleading and inaccurate to state that a small portion of County Road 27 was affected and reclaimed. The 2019 Annual Mine Map shows that the majority of County Road 27 and the entire length of the county road located along the south side of the bond release tract were mined through. Please also clarify the width of the rights-of-way associated with County Road 27 and the county roads on the north and south sides of the bond release tract, and mention if any rights-of-way acreage is being cropped. Also mention that the county road on the north side of the bond release tract was not disturbed by mining. In addition, update Table VI-1 to include an estimate of the pre-mine road/right of way acreage and the road/right of way acres disturbed by mining. Disturbed acres for each land use are reported in the bond release portion of our annual report to OSM. (GAW/ZAB)

Attachment VIa - Revegetation Initiation Dates and Land Use Map

4. Please depict the boundaries of all existing grassed waterways on reclaimed and undisturbed land on Attachment VIa, Revegetation Initiation Dates and Land Use Map. (GAW)
5. Please label the roads on Attachment VIa, Revegetation Initiation Dates and Land Use Map as County Road No. 27, 2nd Street SW and 3rd Street SW. (GAW)
6. Please label the undisturbed areas within the bond release tract on Attachment VIa, Revegetation Initiation Dates and Land Use Map or, if you prefer, on Attachment V, Topographic and SPGM Depths Map. (ZAB)

Attachment IX - Cropland

7. Follow up to Item No. 12 in our June 25, 2020 deficiency letter: The original deficiency read as follows: "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 W½ of Section 15 as 285.328. Please explain the acreage discrepancy or adjust the tables and calculations as necessary." Coteau provided a reasonable satisfactory explanation in their August 10 response letter, but the narrative was not added to the bond release application. Please add narrative to the bond release application that explains the acreage discrepancies. (PJR)

Attachment IXa. Vegetative Productivity Standards for Reclaimed Cropland

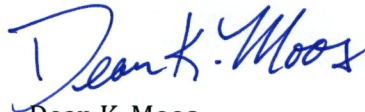
8. The 2014, 2015 and 2017 unadjusted yield standard for the W1/2 of Section 15 was developed using only 120.91 acres of disturbed non-prime farmland but the weighted yield value was developed using 130.99 acres (second table Page 1 of Attachment IXa). Please clarify why 120.91 acres of disturbed non-prime farmland was used to develop the unadjusted standard if 130.99 acres of non-prime farmland were disturbed. Furthermore, Table VI-1, in attachment VII, indicates that 137.18 acres of non-prime farmland were disturbed by mining, which is confusing. Please revise adjusted standards to include all disturbed non-prime farmland acres in the field and clarify why acreage differences exist between Table V1-1 and unadjusted yield standard. [Note: The unadjusted standard should be developed using all pre-mine cropland in the W1/2 of Section 15 located south and east of the semi-permanent wetland. The undisturbed pre-mine cropland located northwest of the semi-permanent wetland should not be included in development of the standards since it is a separate hayland field.] (GAW)
9. Table VI-1, Attachment VII, indicates that 118.3 acres of prime farmland were disturbed by mining but the adjusted standards in Attachment IXa, Vegetative Productivity Standards for Reclaimed Cropland, were developed using 123.5 acres of disturbed prime farmland. Please review and revise if necessary, or otherwise provide clarification. (GAW)
10. A comment below the first table on page 1 of Attachment IXa, Vegetative Productivity Standards for Reclaimed Cropland, states that "of the 94.55 acres of prime farmland, 39.11 were disturbed by mining and 55.44 were associated disturbance". Please update these values to account for the entire W1/2 of Section 15. (GAW)

Attachment X Roads

11. Follow-up to item No. 15 in our June 25, 2020 letter: Discussing 2nd Street SW in the middle of the disturbed roads narrative causes confusion and makes it appear as if 2nd Street SW was disturbed by mining. For clarity, please revise the second paragraph of the road narrative in Attachment X as indicated by the following strike through and underscoring: ~~During mining, 2nd Street SW was converted to a paved road. This was done for the bypass of the closed portion of County Road 27.~~ Upon mining completion and the reclamation of County Road 27, 2nd Street SW and 3rd Street SW ~~w~~ere returned to a gravel roads. If you wish to retain the narrative for 2nd Street SW, please move it to a new paragraph at the end of the roads narrative and begin the paragraph by clearly stating that 2nd Street SW was not disturbed by mining activities. (ZAB)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos
Director
Reclamation Division