

THE COTEAU
PROPERTIES COMPANY
A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

FREEDOM MINE
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May 13, 2021

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 #1 to Permit NACT-9001 has been uploaded to the Permit Services site. Changes to text have been tracked using track changes and highlighted in pink. In addition a clean copy has also been uploaded. Responses below refer to technical deficiencies in your May 7, 2021, letter:

Attachment X – Native Grasslands

- 1. A sentence in the second paragraph on page 1 of Attachment X states that the 2013 and 2015 production standard is 2,487 lbs/acre. These values are also listed in a table on page 2 of Attachment X. The Reclamation Division believes an error was made calculating the 2013 correction factor and that the 2013 standard is 2, 320 lbs/acre rather than 2,487 lbs/acre. Please review the values used to calculate the 2013 correction factor and revise or otherwise clarify. It appears the 2013 Sandy reference area yield was 1,791 lbs/acre not 2,572 lbs/acre. (GAW)*

The calculations were reviewed, and the error was corrected. Information presented in the bond release application is now correct.

- 2. The second sentence of the Diversity narrative on page 5 of Attachment X states that “Both Sections 1 and 2 demonstrate that the diversity standard has been met.” Please revise this sentence to clarify that the cover data contained Attachment Xb demonstrates diversity revegetation success rather than the Section numbers. (GAW)*

Language has been revised to have clearer meaning.

- 3. Please revise the Diversity narrative on page 5 of Attachment X to clarify that the number of species listed comprise at least 3 percent of the relative composition since the diversity standard has parameters for number of species present and number of species comprising at least 3 percent of the relative composition. Revise the narrative to clarify if both components of the diversity standard have been achieved. (GAW)*

Text and tables beginning on page 4 (page 5 with track changes on) details the standards described in the Guidelines document. This information is detailed in the text following “Four native grass species must each contribute at least three percent relative basal cover or at least five percent relative composition by weight. Of these species, at least two must be warm season grasses and one must be a cool season grass.”

4. *Please consider moving the Warm Season Species relative cover percentage tables on pages 5 and 6 of Attachment X to the Seasonality subsection. Including this information under the Diversity subsection is misleading. (GAW)*

The diversity and seasonality subsections have been combined to more clearly present the information, as they are also presented together in the Guidelines Document.

5. *The Section 2 Warm Season Species relative cover percentage table on page 6 of Attachment X indicates that switchgrass comprised 0.7 percent of the relative composition in 2013 but the data in Attachment Xb2 shows it comprised 15.7% of the relative composition in 2013. Please review and correct this apparent error. (GAW)*

The error within the table has been corrected.

6. *The Section 1 Seasonality table on page 8 of Attachment X indicates that warm season species comprised 36 percent and 32 percent of the cover composition in 2013 and 2015, respectively, but the data in the table on page 6 of Attachment X indicates these values should be 35.3 percent and 31.1 percent. Please review and revise so the information provided is consistent and correct. (GAW)*

The Table on page 8 has been removed as the information in the table was already presented in the text. The relative cover tables show the correct percentage.

7. *The Section 2 Seasonality table on page 8 of Attachment X indicates that warm season species comprised 33 percent of the cover composition in 2015, but the data in the table on page 6 of Attachment X indicates this value should be 30.8 percent. Please review and revise so the information provided is consistent and correct. (GAW)*

The Table on page 8 has been removed as the information in the table was already presented in the text. The relative cover tables show the correct percentage.

8. *The information in the Tables on pages 6 and 8 of Attachment X is somewhat redundant. Please consider revising such that the required information for each tract can be presented in a single table. (GAW)*

The diversity and seasonality subsections have been combined to more clearly present the information, as they are also presented together in the Guidelines Document.

9. *Follow-up to item No. 35 of our letter dated February 17, 2021. Attachment Xe, 2019 Production Sampling Locations, has been added to the application but no sampling data is provided that demonstrates revegetation success of the variance area in Section 1 that was seeded in 2011 and 2014. Policy Memorandum to Mine Operators requires that vegetation measurements taken to*

prove reclamation success include samples taken from each variance area. Please include 2019 or 2020 production and ground cover data that includes samples taken from the variance area in Section 1 and update the tables and narrative analysis in Attachment X accordingly to demonstrate revegetation success of the reclaimed native grassland in Section 1. (GAW)

Coteau collected production data, but not cover data during the 2019 and 2020 growing seasons. We believe the production data combined with the visual inspections conducted by Reclamation staff on May 29, 2019, and September 9, 2020, demonstrate that the variance areas will provide equal or greater protection to the environment and to public health and safety.

Attachment Xa – Production Standard Calculations

10. The 2013 correction factor (1.34) was calculated using a Sandy reference area yield of 2,572 lbs/ac but the site actually yielded 1,791 lbs/acre in 2013 according to page 1 of Attachment Xa3, Reference Area Production Survey Results. Please review and correct this apparent error where appropriate in Attachment Xa. (GAW)

The error has been corrected throughout Attachment Xa.

11. Please include the name of the ecological site on the annual production and cover sampling data provided in Attachments Xa3 and Xb3 since native grassland mapping units are ecological sites. (GAW)

The requested changes have been made to the tables.

In addition to highlighting changes addressing the items listed above, please also send us a clean copy of this bond release application to aid us during our review.

A separate, clean copy has been uploaded to Permit Services.

If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY

/s/

Dillon Belisle
Environmental Specialist

Uploaded via Permit Services