

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

February 10, 2021

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

Dear Mr. Moos:

The Coteau Properties Company (Coteau) is requesting a variance from the ten-year liability period for a tract of land within Section 16, T146N, R88W. This tract will be known as Final Bond Release #2 to Permit NACT-9501. The bond release boundary is shown on the enclosed maps. The boundary of the bond release tract includes approximately 158.4 acres of native rangeland and a stockpond.

The table below further details the acreage of land uses within the bond release tract.

	Undisturbed Native Grassland	Reclaimed Native Grassland	Reclaimed Native Grassland Variance Area	Reclaimed Stockpond	Total
FBR #2 NACT-9501	97.6 acres	55.5	4.9	0.4 acres	158.4

Revegetation dates for the entire tract are depicted on the enclosed *Revegetation Map*. A post-mining *Topographic Map* is also enclosed. The areas that require a variance from the ten-year liability period were associated with a sedimentation pond removed in 2014 (P-H16-05), as well as a topsoil pile (TS-697) and a subsoil pile (SS-396), also revegetated in 2014. These areas are labeled on the *Topographic Map*. Excluding the variance areas, the last revegetation initiation date was 2012, thereby extending the liability period to 2021. In addition to associated disturbance areas and post-mining topography, the *Topographic Map* shows watershed boundaries and coal removal.

The enclosed *Variance Map* highlights the area in which a variance is being requested. The acreage for the variance is included within the map. In summary, Coteau is requesting a variance of two years on 4.9 acres of native rangeland, all of which had coal removal completed.

The variance area is approximately eight percent of the disturbed acres within the bond release tract and three percent of the entire tract. As stated previously, the entire variance area was reclaimed to native grassland.

The sedimentation pond, topsoil pile, and subsoil pile were all removed in 2014. The area was then seeded to native rangeland that same year beginning the 10-year revegetation liability period.

Reclamation of the area provided at least equal protection to the environment and public health and safety. In 2019, the approved standard for basal cover was 80.9 percent with the tract having 90.5 percent basal coverage.

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In 2020, the approved standard for basal cover was 92.6 percent with the tract having 97.7 percent basal coverage. Data collected in both 2019 and 2020 included sample points found within the proposed variance area. All data collected for the proposed variance area will be presented in the bond release package.

The variance area is managed with the adjacent reclaimed lands. The entire area is fenced and grazed by cattle. Reclamation within the variance area is consistent with the reclamation completed in the surrounding area.

If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY

/s/

Dillon Belisle
Environmental Specialist

Uploaded via Permit Services

T146N
R88W
16

SP-H16-01

R-2012
NATIVE
GRASSLAND

R-2012

NATIVE
GRASSLAND

NATIVE
GRASSLAND

R-2014

NATIVE
GRASSLAND

R-2014

R-2014

R-2014

NACT-9501

	PERMIT BOUNDARY
	PERMIT IDENTIFICATION
	BOND RELEASE BOUNDARY
	SECTION LINE-SURVEYED LOCATION
	LANDUSE LINE
	REVEGETATION YEAR
	2014 VARIANCE AREA

G.N.

Scale 1" = 500'

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COTEAU FREEDOM MINE
BEULAH, ND 58523

REVEGETATION MAP
VARIANCE REQUEST
FBR #2 TO NACT-9501

SCALE: 1"=500'
PROJECT: FBR #2 TO NACT-9501 REVISION: N/A

T146N
R88W

16

NACT-9501

P-116-05
(REMOVED IN 2014)

Ts-897

SS-396

	PERMIT BOUNDARY NACT-9501 BOND RELEASE BOUNDARY SECTION LINE-SURVEYED LOCATION TOPOGRAPHIC CONTOUR WATER MANAGEMENT & SUPPORT FACILITIES WATERSHED BOUNDARY COAL REMOVAL BOUNDARY 2014 VARIANCE AREA																																																
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T146N
R88W
16

97.6 ACRES
UNDISTURBED NATIVE
GRASSLAND

55.9 ACRES
RECLAIMED NATIVE GRASSLAND
AND STOCKPOND WITH
NO VARIANCE

4.9 ACRES
R-2014

NACT-9501

	PERMIT BOUNDARY
	PERMIT IDENTIFICATION
	BOND RELEASE BOUNDARY
	SECTION LINE-SURVEYED LOCATION
	DISTURBANCE BOUNDARY
	NO VARIANCE AREA
	2014 VARIANCE AREA

C.N.

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Scale 1" = 500'

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COTEAU FREEDOM MINE
BEULAH, ND 58523

VARIANCE MAP
VARIANCE REQUEST
FBR #2 TO NACT-9501

SCALE: 1"=500'
PROJECT: FBR #2 TO NACT-9501 REVISION: N/A