



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Julie Fedorchak  
Randy Christmann

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

*sent via email*

January 10, 2022

Ms. Sarah Flath  
Environmental Manager  
Coteau Properties Company  
204 County Rd. 15  
Beulah, ND 58523  
[sarah.flath@nacoal.com](mailto:sarah.flath@nacoal.com)

Dear Ms. Flath:

The Reclamation Division has reviewed Coteau's November 18, 2021, response to our initial review of Final Bond Release No. 2 to Permit NACT-9501 at the Freedom Mine. The Public Notice and surface owner notification letters are ready for publication and mailing, but these notices should not be published or mailed until an official bond release inspection of the tract has been scheduled. The bond release inspection required by NDCC 38-14.1-17(3) will be delayed until the growing season to allow for a proper evaluation of the reclamation work, as authorized by NDCC 38-14.1-17(4). Reclamation Division staff will conduct technical review(s) of the application this winter and then coordinate the required inspection with your office this spring.

The following items may be addressed at this time, or they may be delayed until after the bond release inspection when our technical review is normally performed.

#### **General:**

1. Follow-up to item No. 1 of our initial review letter dated October 22, 2021: Please include a map in the bond release application that clearly identifies surface ownership of the bond release tract and all adjacent lands for compliance with the notice requirements of NDCC 38-14.1-17. (GAW)

#### **Attachment IX – Native Grassland**

2. Follow-up to item No. 17 of our initial review letter dated October 22, 2021: The Reclamation Division believes that a single productivity standard should be developed for Pfennig native grassland in Sections 15 and 16 even though separate standards were developed for each Section in the CVSS. The reclaimed native grassland in this bond release application has been reclaimed, fenced, managed, and sampled as a single unit even though it involves land in Sections 15 and 16. The development of single standards by surface ownership and land use in this instance will also facilitate the bond release of the cropland in Section 16 where no cropland existed prior to

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mining. The CVSS does not include a productivity standard for the cropland in Section 16 and it is currently not clear how Coteau intends to develop a standard for this acreage that is being managed as a single field with cropland in Section 15. (GAW)

If you have any questions, please contact this office.

Sincerely,



Zanna A. Brinkman  
Director  
Reclamation Division

cc via email only: Amanda Hoffer (amanda.hoffer@nacoal.com)  
Dillon Belisle (Dillon.Belisle@Nacoal.com)  
Rylan Sundsbak (Rylan.Sundsbak@nacoal.com)