

Public Service Commission

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January 9, 2025

Mr. Mark Wallen
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Dear Mr. Wallen:

The Reclamation Division has completed a second technical review of Final Bond Release Application No. 2 to Permit NACT-9501 in response to Coteau's November 22, 2024 submittal. The following issues will need to be addressed prior to this office recommending Commission action.

Attachment VI – General Information

1. The last sentence in the Reclamation Practices subsection of Attachment VI (General Information) was erroneously revised to state "Revegetation initiation dates can be found in Attachment Va (SPGM Respread Depths Map)." Please revise this statement to reference Attachment Via (Revegetation Initiation Dates and Land Use map). (GAW/MLJ)
2. Follow-up to Item No. 5 of our technical deficiency letter dated December 12, 2022: The Reclamation Practices subsection of Attachment VI (General Information) still fails to describe the SPGM respread depths. Please either explicitly describe the SPGM respread depths in the Reclamation Practices subsection of Attachment VI or add a statement to reference the location of this information in Attachment Va (SPGM Respread Depths Map). (GAW/JWE)

Attachment VIII – Wildlife Assessment

3. Attachment VIII (Wildlife Assessment) incorrectly references the 2020-2023 Wildlife Monitoring Report for an evaluation of the post-mining habitats and wildlife monitoring data. This statement should be revised to reference the correct year, 2022-2023. Furthermore, the 2022-2023 Wildlife Monitoring Report (found in Appendix A of the Consolidated Wildlife and Habitat Monitoring Plan) has information on post-mining habitats and wildlife monitoring data for the South and Island (EMA) Study Areas in the Long-Term Area Specific Analysis subsection. Please update

Attachment VIII to provide an analysis of the post-mining habitats and wildlife monitoring data. (AAC)

Attachment IX – Native Grassland

4. Please include a narrative in Attachment IX (Native Grassland) that describes Table 1 (Comprehensive Species List for FBR #2 to NACT-9501) and includes the year(s) when these species were observed. (GAW)
5. Narrative in the second paragraph on page 1 of Attachment IX (Native Grassland) states the productivity standards in 2019 and 2024 are 1,209 and 1,266 lbs/acre, respectively, but the values established in Attachment IXa (Production Standard Calculations) are 1,405 lbs/acre in 2019 and 1,448 lbs/acre in 2024. Please review and revise as necessary. (GAW)
6. A table on page 2 of Attachment IX (Native Grassland) states that the productivity standard was 1,253 lbs/acre in 2019 and 1,266 lbs/acre in 2024. However, Attachment IXa (Production Standard Calculations) establishes that the productivity standards are 1,405 lbs/acre in 2019 and 1,448 lbs/acre in 2024. Please review and revise as necessary. (GAW)
7. Follow-up to Item No. 16 of our technical deficiency letter dated October 22, 2021: Coteau is proposing to use only the loamy and thin loamy native grassland reference ecological sites to determine the annual productivity climatic correction factor. The Reclamation Division believes that the annual climatic correction factor should be developed using all approved native grassland reference areas to capture the vegetative growth effects of seasonal precipitation variability as recommended in our Revegetation Success Standards Document, even though this tract was dominated by loamy and thin loamy ecological sites prior to mining. The loamy native grassland reference area appears to be in reduced ecological condition (33.8% forbs in 2019) and the reclaimed land is largely comprised of warm season species which are not well represented on the loamy and thin loamy native grassland reference area ecological sites. The 2019 and 2024 US Drought Monitor Maps document that 2019 and 2024 were normal precipitation years so it is not clear why the loamy reference area ecological site is yielding so poorly. Please refer to the production standard calculation in Attachment Xa of Bond Release Application No. 3 to Permit NACT-9501 as an example of how to calculate a climatic adjustment factor. (GAW)

Attachment IXb – Basal Cover Standard Calculations

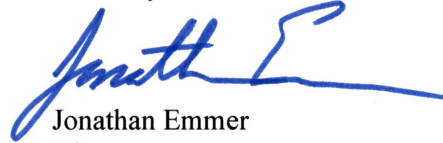
8. Please recalculate ground cover on the reclaimed tract in 2019 in Attachment IXb (Basal Cover Standard Calculations). It appears Japanese brome, an annual grass species, is mistakenly being included in the calculation, and it is not clear why alfalfa is not being included. NDAC 69-05.2-22-07(3)(a) states that all species used in determining ground cover must be perennial species not detrimental to the approved post mining land use. (GAW)
9. Please clarify how the ground cover was calculated on the loamy reference area in 2019. It is not clear how the 73% value listed on page 3 of Attachment IXb-2 (Reference Area Cover Survey Results) was established. It appears the value should be 83% if all litter and live hits are considered cover ($2000-340=1660/2000=0.83 \times 100=83\%$). (GAW)
10. The live native forb and shrubs hits on the native grassland reference area are being excluded from the 2024 ground cover calculations on page 7 of Attachment IXb-2 (Reference Area Cover

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Survey Results). Please provide justification as to why these groups of species are not being counted towards ground cover. (GAW)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

cc via email only: Mike Berg (michael.berg@nacoal.com)
Dillon Belisle (dillon.belisle@nacoal.com)

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