

**FREEDOM MINE**  
THE COTEAU PROPERTIES COMPANY

April 16, 2025

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

Dear Mr. Emmer:

Final Bond Release #2 to Permit NACT-9501 has been uploaded to Permit Services. Changes have been tracked using track changes and highlighted in teal. Responses below refer to technical deficiencies in your February 24, 2025 letter.

**Attachment VI – General Information**

1. Follow-up to Item No. 1 and Item No. 2 of our technical deficiency letter dated January 9, 2025: Please revise the third sentence in the last paragraph of the Reclamation Practices subsection of Attachment VI (General Information) to state the “Revegetation initiation dates can be found in Attachment VIa (Revegetation Initiation Dates and Land Use Map).” The sentence currently references Attachment “Via”, but it incorrectly references this attachment as the SPGM Respread Depths Map. (GAW)

This has been updated as requested.

**Attachment VIII – Wildlife Assessment**

2. Follow-up to Item No. 3 of our technical deficiency letter dated January 9, 2025: The first sentence of Attachment VIII (Wildlife Assessment) states “a post-mining wildlife assessment was compiled and reported in the 2022-2023 Wildlife Monitoring Report.” The 2022-2023 Wildlife Monitoring Report does not provide a post-mining wildlife assessment or an evaluation of the pre- and post-mining habitats for the North Mine Area. Please revise Attachment VIII to include an assessment or evaluation of the pre- and post-mining habitats for the bond release tract. This assessment should include a discussion about the pre- and post-mining wetland acreage in the bond release tract

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*Coteau Properties Company, a subsidiary company of The North American Coal Corporation*

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and if any high value wildlife habitat, such as woodlands, were replaced or avoided by mining activities. (ACC/GAW)

Information has been added referencing the undisturbed wooded draws. Language has also been added to further reference the CWHMP where a complete analysis of mine wide data collected that covers all permitted areas

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

3. Follow-up to Item No. 16 of our initial review letter dated October 22, 2021 and Item No. 7 of our technical deficiency letter dated January 9, 2025: The loamy reference area in Section 9 is in reduced ecological condition and it yielded poorly during the years being used to demonstrate revegetation success. The 2019 and 2024 US Drought Monitor Maps document that 2019 and 2024 were normal precipitation years, but the reference area produced only a fraction of its expected yield. The Reclamation Division has determined this reference area does not adequately characterize the productivity of the soil mapping units or the ecological site it is intended to represent. As previously stated, please revise Attachment IXa (Production Standard Calculations) to demonstrate that productivity has been restored using a methodology that does not rely heavily on this loamy reference area. This may be achieved by developing a climatic adjustment factor using all approved native grassland reference areas or by using the loamy (silty) reference area in Section 13, T145N, R87W. (GAW)

Coteau has reviewed Attachment IXa-Native Grassland Production Standard Calculations, and does not agree that the Section 9 (Williams) reference area is not representative of the associated soil type. While the US Drought Monitor Maps may indicate normal precipitation for surrounding areas, it is difficult to infer that the Section 9 reference area received the same amount of rainfall. Additionally, it does not indicate when that precipitation was received or in what form, which could explain why the area yielded less than the “expected yield”. Reclaimed tracts in this area also showed less production than what would be normally expected under normal precipitation years.

Coteau believes that the two years (2019 & 2024) yields are representative of the area and the lower yields are the result of weather factors and timing rather than the site being in a state of “reduced ecological condition”, given that the reference area has shown greater yields in recent years.

Mr. Jonathan Emmer

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We look forward to your review and approval. If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY

/s/

Mark Wallen

Environmental Specialist

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