

August 17, 2022

Ms. Zanna A. Brinkman
Director Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

Dear Ms. Brinkman:

Final Bond Release #3 to Permit NACT-9501 has been uploaded to Permit Services. Changes have been tracked using track changes. Responses below refer to initial review deficiencies in your August 8, 2022, letter.

General:

1. *Please revise the application so that the Application Form and all attachments open in html format as intended. Currently, only the links to Attachments VI, General Information, and VII, Wildlife Assessment, work in html format. (GAW/PJR/MJF)*

The application form has updated html links as requested.

Application Form

2. *An application form for Final Bond Release No. 2 to NACT-9501 is included in the Application Form folder. Please removed the Final Bond Release No. 2 to NACT-9501 form in the Application Form folder to avoid confusion. (GAW)*

The file was removed as requested.

Attachment III – Public Notice

3. *As required by NDCC 38-14.1-17(1)(a)(1), please include a map in the Public Notice that depicts the precise location of the land included in Final Bond Release No. 3 to Permit NACT-9501. If the map attached to the letters to interested parties is used, as scale bar must be added to the map. (GAW/PJR/MJF/JAR)*

A map with scale bar has been added to the Public Notice as requested.

4. *Please add a statement to the last sentence in the second paragraph of the Public Notice that states reclamation was completed according to the approved reclamation plan. (JAR)*

The last two sentences to the second paragraph of the Public Notice have been revised as requested.

5. *The last sentence of the second paragraph in the Public Notice states that the bond release tract includes reclaimed cropland and a southwest water tap, but there is no reclaimed cropland in the bond release tract and a pasture tap is not a reclaimed land use. Please revise the sentence to clarify that the undisturbed land includes cropland and clarify that the reclaimed native grassland includes three conservation shrub plantings. Please also clarify if the southwest water pasture tap is replacing a pre-mine water source. (GAW/MJF)*

The last two sentences to the second paragraph of the Public Notice have been revised as requested.

6. *Please add a period to the last sentence of the first paragraph in Attachment III – Public Notice that states, “The bond amount will not be reduced due to continued mining and reclamation operations within other permitted areas covered under the Worst-Case Consolidated Bond” (MJF)*

The last sentence of the first paragraph of the Public Notice was revised as requested.

Attachment IV – Letters to Interested Parties

7. *Please incorporate all of the changes requested for the Public Notice into the letters to interested parties. (GAW/JAR/ZAB)*

The requested changes have been made to all Letters to Interested Parties.

8. *Please update the City of Beulah Mayor contact to Jeff Gooss, Mayor. (MJF)*

The requested change has been made to Attachment IV – Letters to Interested Parties.

9. *Please update the Custer Health District contact to Erin Ourada, Administrator. (MJF)*

The requested change has been made to Attachment IV – Letters to Interested Parties.

10. *John Packowski of the North Dakota Department of Water Resources is the State Engineer. Please remove “Interm” from his title. (JAR)*

The requested change has been made to Attachment IV – Letters to Interested Parties.

11. *Please add a scale bar to the Newspaper Publication Notice Map attached to the letters to interested parties. (MJF)*

A scale bar has been added to the map attached to the Letters to Interested Parties as requested.

12. *The Schriefer Ranch LLC is listed as an adjacent surface owner on page 1 of Attachment IV, but Marlene M. Schriefer is listed as the adjacent surface owner in Section 1.5 of Permit NACT-9501. Please review and revise as necessary to ensure the appropriate surface owner is notified. (GAW)*

Attachment IV – Letters to Interested Parties has been revised to reflect the correct ownership of the adjacent property.

Attachment V – Topographic and SPGM Depths Maps

13. *Attachment Va, SPGM Respread Depths Map, contains cyan and magenta-colored lines that appear to depict SPGM respread depth boundaries. Please revise the legend to clarify what the cyan and magenta lines represent. The map is currently confusing to interpret as all the colored lines, except the broken green line, appear to depict an SPGM respread depth boundary. It appears that using various line widths make the map difficult to interpret. (GAW)*

Attachment Va, SPGM Respread Depths Map, had the legend revised as requested. The line widths have also been adjusted as requested.

14. *Please consider revising Attachment Va, SPGM Respread Depths Map, to include surface ownership of lands located south of the bond release tract since adjacent property ownership is depicted elsewhere on the map. (GAW)*

The scale of Attachment Va, SPGM Respread Depths Map, has been adjusted to show the landowners located south of the bond release tract.

Attachment VI – General Information

15. *Please include a sentence in Attachment VI – General Information that indicates if coal ownership within the bond release tract was private, state, or federal. Identify any portions of the tract where coal was Federally owned. We would like you to include this information in all future bond release applications, so it is clear to OSMRE if the bond release application requires their concurrence. (ZAB/MJF)*

Attachment VI, General Information, has been revised to reflect the coal ownership within the bond release tract.

16. *Please revise Attachment VI, General Information, to clarify if the “Roads” land use includes the statutory right-of-way along the north side of Section 22 and the right-of-way associated with State Highway 1806 along the south side of the tract. If the section line right-of-way on the north side of*

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the tract is considered Road, then the disturbed and undisturbed acreage associated with this land use should be provided. (GAW)

The "Roads" land use in Table VI-1 in Attachment VI, General Information, includes the statutory right-of-way associated with State Highway 1806 along the south side of the bond release tract only. The section line on the north side of the bond release tract is an unestablished section line trail, not an established section line road. Therefore, Table VI-A in Attachment VI, General Information, was not revised.

Attachment XI – Developed Water Resources

17. Please update Attachment XI, Developed Water Resources, to clarify if ponds SP-H22-01 and SPH22-02 have demonstrated the ability to hold water at a reasonably stable level as required by NDCC 38-14.1-24(7)(d). (GAW)

Attachment XI, Developed Water Resources, has been updated as requested.

18. Please update Attachment XI, Developed Water Resources, with a commitment for the future maintenance of ponds SP-H22-01 and SPH22-02. (GAW)

Coteau staff is researching this deficiency and will be addressed during the technical review phase of Bond Release Application #3 to Permit NACT-9501.

If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY

/s/

Rylan A. Sundsbak
Environmental Specialist

Uploaded via Permit Services