



# Public Service Commission

## State of North Dakota

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March 28, 2023

Mr. Kyle Boger  
Environmental Supervisor  
Coteau Properties Company  
204 County Road 15  
Beulah, ND 58523  
[Kyle.Boger@nacoal.com](mailto:Kyle.Boger@nacoal.com)

Dear Mr. Boger:

The Reclamation Division has reviewed Coteau's February 22, 2023 response to our initial review of Final Bond Release No. 1 to Surface Coal Mining Permit NACT-1801. The following items must be addressed prior to publishing the public notice or notifying surface owners and governmental agencies as it is not clear if revegetation success has been achieved. As previously stated, an inspection of the property as required by NDCC 38-14.1-17 will be delayed until the public notice has been published, notification letters have been mailed, and conditions allow for an evaluation of the reclamation completed.

#### **Attachment IV – Letters to Interested Parties**

1. Follow-up to Item No. 6 of our January 13, 2023 review letter: On pages 1 and 40 of Attachment IV, Letter to Interested Parties, please update the name of the ND State Water Commission to the ND Department of Water Resources. (JAR)

#### **Attachment VI- General Information**

2. The pre-mine soils map and productivity standard calculations in Attachment IXa indicate that depressions with wetland soils (Parnell) were present in the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 17. Please update Attachment VI, General Information, to clarify that these depressions were not classified as pre-mining wetlands when the area was permitted in the early 1980s and clarify if these depressions, which were affected by associated disturbance, are currently functioning as wetlands. If these wetlands were re-created, please provide general information regarding the size, classification, and species zonation. (GAW)
3. Follow-up to Item No. 12 of our January 13, 2023 review letter: Please update Attachment VI, General Information, to provide an explanation as to where the pre-mine prime farmland soils in the bond release tract were respread. The proposed language added in response to Item No. 12 appears to imply that prime farmland soils were reclaimed to native grassland, but the Reclamation Division believes that these prime farmland soils were respread elsewhere in the permit as prime farmland soils and are required to be managed as cropland. Please provide a detailed explanation as to where the pre-mine prime farmland soils have been replaced. (GAW)

**Attachment IX – Tame Pastureland**

4. Please identify the boundary between the Section 17 East sampling area and the Section 17 West sampling area on the 2017 and 2020 Production Sampling Locations maps and provide the acres of reclaimed tame pastureland in each sampling area. The acreage values provided should be used to determine the weighted average yield in Step 4 of Attachment IXa, Production Standard Calculations. (GAW)
5. Please review the weighted reclaimed yield and basal cover values on page 2 of Attachment IX, Tame Pastureland, to ensure the weighted average values were computed using only the acreage of reclaimed tame pastureland. (GAW)
6. Coteau is proposing to use 2017 sampling data to demonstrate revegetation success even though Mercer County Agricultural Statistics Service hay yield data is not available from 2014 through 2019. Therefore, please consider providing 2021 yield data to demonstrate revegetation success rather than 2017. The Reclamation Division is evaluating whether it is appropriate to develop a climatic correction factor in instances where County Agricultural Statistics Service yield data is not available during 5 of the past 15 years, including 2017, which is a year being used to demonstrate revegetation success. (GAW)
7. Please revise the ground cover narrative on page 2 of Attachment IX to show how the weighted basal cover value was calculated. (GAW)

If you have any questions, please contact this office.

Sincerely,



Zanna A. Brinkman  
Director  
Reclamation Division

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