

April 12, 2023

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 #1 to Permit NACT-1801 has been uploaded to Permit Services. Changes have been tracked using track changes and are highlighted in yellow. Responses below refer to initial review deficiencies in your March 28, 2023 letter.

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 IV has been updated with the correct name.

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 NE¼ of the SE¼ 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)*

A narrative discussing the depressions associated the pre-mining soils located in the NW ¼ of the SE ¼ of Section 17 has been added to Attachment VI.

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 VI narrative has been updated with details pertaining to the prime farmland soils within the bond release tract.

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)

The Sample boundary is depicted by the magenta polyline. Sample location acreage has been added to attachments IXc and IXd to better depict the reclaimed tame pastureland within the bond release area. IXc has been updated with 2013 sampling data as Coteau has chosen to use 2013 data in place of 2017.

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)

The weighted reclaimed yield and basal cover values have been reviewed and updated as needed on page 2 of Attachment IX, Tame Pastureland.

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

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past 15 years, including 2017, which is a year being used to demonstrate revegetation success. (GAW)

2017 sampling data has been replaced with 2013 to demonstrate revegetation success within the bond release area. All subsequent sections that contain information that pertain to 2017 data have been updated to reflect this change.

7. Please revise the ground cover narrative on page 2 of Attachment IX to show how the weighted basal cover value was calculated. (GAW)

A description detailing how the weighted basal cover value was calculated has been added to Attachment IX.

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If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY

/s/

Mark A. Wallen

Environmental Specialist

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