



Public Service Commission

State of North Dakota

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May 16, 2023

Mr. Kyle Boger
Environmental Supervisor
Coteau Properties Company
204 County Road 15
Beulah, ND 58523
Kyle.Boger@nacoal.com

Dear Mr. Boger:

The Reclamation Division has reviewed Coteau's April 12, 2023 response to our pre-technical 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 III – Public Notice

1. The April 12, 2023 version of Final Bond Release No.1 does not contain a map in the public notice that delineates the bond release area as required by NDCC 38-14.1-17. Please revise the application to include the map with the public notice. (JAR)

Attachment VI – General Information

2. Follow-up to Item No. 3 of our letter dated March 28, 2023: Prime farmland language added at the bottom of page 2 of Attachment VI states that “no prime farmland soils were removed and are still present within the bond release area” but the SPGM Respread Depths Map, Attachment Va, shows that 12.7 inches of prairie topsoil and 11.3 inches of subsoil were respread on the disturbed prime farmland. Please revise this sentence to provide clarity. This would include a discussion about how Coteau handled prime farmland soils in areas of associated disturbance and whether prime farmland soil affected by associated disturbance is subject to the prime farmland performance standards set forth in NDAC 69-05.2-26. The pre-mine soils map shows that the affected prime farmland had 20 inches of topsoil and 40 inches of subsoil prior to mining disturbance so it is not clear how the pre-mine productivity capabilities have been restored if only

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12.7 inches of topsoil and 11.3 inches of subsoil were respread on the affected prime farmland.
(GAW/MLJ)

Attachment IX – Tame Pastureland

3. The productivity standard was calculated using 151.06 acres of pre-mine native grassland in Section 17 but Attachments IXc and IXd indicate that only 127 acres in Section 17 were disturbed by mining activities. Please clarify why it is appropriate to calculate the standard using soils that were not disturbed by mining or update the unadjusted productivity standard in Attachment IXa such that it includes only acreage disturbed by mining activities. (GAW)

If you have any questions, please contact this office.

Sincerely,



Zanna A. Brinkman
Director
Reclamation Division

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