

**FREEDOM MINE**  
THE COTEAU PROPERTIES COMPANY

August 17, 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 green. Responses below refer to initial review deficiencies in your May 16, 2023 letter.

**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)*

A map has been included in Attachment III Public Notice that delineates the bond release area.

**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*

**Freedom Mine – Coteau Properties Company**

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

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Coteau Properties Company  
Mark A Wallen, Envir. Specialist

*have been restored if only 12.7 inches of topsoil and 11.3 inches of subsoil were respread on the affected prime farmland. (GAW/MLJ)*

The narrative describing the handling of the prime farmland soils located in Section 17 has been updated in Attachment VI – General Information.

Also, Attachment Va - SPGM Respread Depths Map has also been updated to show the topsoil stripping boundary as this allows more detail to the handling and replacement of soils during the reclamation process.

### **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)*

The productivity standard acreage has been updated with only lands affected by mining.

Also, after calculating acres of native rangeland affected by mining based on soils type, there was a slight adjustment to the acreage and so it was determined that the following attachments should be updated to show the more accurate acreage:

Attachment VI – General Information, Table VI-1  
Attachment IXc-2013 Sampling Point Locations  
Attachment IXd- 2020 Sampling Point Locations  
Attachment III- Legal Advertisement  
Attachment IV- Letters to Interested Parties

Ms. Zanna A. Brinkman

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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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