

Public Service Commission

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Sent via email only

June 20, 2024

Mr. Michael Berg
Environmental Manager
Coteau Properties Company
204 County Rd. 15
Beulah, ND 58523-9475
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Dear Mr. Berg:

The Reclamation Division has reviewed Coteau's April 30, 2024 response, which was received on May 3, 2024, to our April 8, 2024 technical review of Final Bond Release Application No. 1 to Permit NACT-1801. The following issues must be addressed prior to this office recommending Commission approval.

Attachment VI – General Information

1. The second sentence in the last paragraph on page 2 of Attachment VI (General Information) states the post-mining land use for the bond release tract is tame pastureland, developed water resources, a wetland and portions of a section line right-of-way. However, Table VI-1, Breakdown of land use within bond release tract, indicates the tract contains other land uses including 5.23 acres of reclaimed farmstead. Please review and revise the narrative so it is consistent with the information provided in Table VI-1 and Attachment VIa, Revegetation Initiation Dates and Land Use Map. (GAW)
2. Attachment VI (General Information) indicates that 5.23 acres of farmstead has been reclaimed but the application does not include any information about achieving the farmstead reclamation performance standards. This issue is somewhat problematic given the farmstead was sampled to demonstrate tame pastureland revegetation success, sample No. 1 Section 17 East on Attachments IXc and IXd. The tame pastureland ground cover and production sampling data could be revised to remove samples from the farmstead, if known, but this may create sample adequacy issues. Alternatively, the farmstead area could be reclassified as tame pastureland through the permit revision process. Although post-mine fences are not depicted on maps in the bond release application or the permit, the Reclamation Division is aware the eastern portion of the reclaimed farmstead tract is in fact fenced and managed as tame pastureland which may provide an alternative approach to addressing this issue. Please revise the Bond Release Application to address this issue. (GAW)

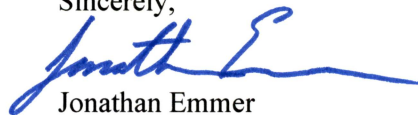
Attachment IX - Tame Pastureland

3. Kentucky Bluegrass is listed as a native species in the native grassland production tables on pages 2, 3, 6, and 7 of Attachment IXa, Production Standard Calculations. Please revise to classify Kentucky Bluegrass as an introduced species in the production tables. (WWS)
4. Kentucky Bluegrass is listed as a native species in the native grassland basal cover tables in Attachment IXb, Cover Survey Results. Please revise to classify Kentucky Bluegrass as an introduced species in the basal cover tables. (WWS)

The Reclamation Division staff will not recommend Commission approval of Final Bond Release No. 1 to Permit NACT-1801 until a wildlife escape ladder has been installed in the tire tank associated with the Southwest Water pasture tap. NDCC 38.14.1-24 (21), Environmental Protection Performance Standards, requires the use of the best technology currently available to minimize adverse impacts on fish and wildlife. NRCS Conservation Practice Standard, Water Facility, Code 614, requires wildlife escape ladders in stock tanks west of the 100th meridian which could be considered a best management practice.

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

cc via email only: Mark Wallen (mark.wall@nacoal.com)
Dillon Belisle (dillon.belisle@nacoal.com)