



# Public Service Commission

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*sent via email only*

October 8, 2024

Mr. Michael Berg  
Environmental Manager  
Coteau Properties Company  
204 County Rd. 15  
Beulah, ND 58523  
michael.berg@nacoal.com

Dear Mr. Berg:

The Reclamation Division has reviewed Coteau's August 21, 2024 response to our July 11, 2024 technical review of Revision No. 29 to Permit NACT-0201. The following items must be adequately addressed prior to our office recommending Commission approval. Please note that follow-up items reference the item as numbered in the July 11, 2024 technical review letter.

### **Section 3.1 – Operations - General**

1. Please update Section 3.1.5 (Post-Mining Area Slope Map) and Section 3.1.9 (Post-Mining Topography Development Map) to reflect the postmining topography changes proposed with Revision No. 29. The Reclamation Division has finished reviewing the changes and has no further deficiencies regarding the newly proposed topography. (SMN)

### **Section 4.0 – Post-mining Land Use and Revegetation**

2. Follow-up to Item No. 22: Section 4.2.3.1 (Post-Mining Replacement Woodlands) indicates that two woodlands are to be planted in Section 14, T145N, R88W; however, Section 4.1.2 (Post-Mining Topography and Land Use Map) depicts only one woodland (W-W14-01) in Section 14. In addition, Section 4.1.3 (Pre- and Post-Mining Land Use Comparison Table) incorrectly indicates that 0.0 acres of post-mining woodland are to be restored on Coteau owned property in Section 14. Please review and revise as appropriate. (GAW)
3. Follow-up to Item No. 22: Section 4.1.2 (Post-Mining Topography and Land Use Map) depicts an unlabeled woodland in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 3, T144N, R88W. Shelterbelt SB3-1-144-88 was located at this site prior to mining and has been partially removed. Please review and revise to clarify if a woodland or shelterbelt is planned at this location. (GAW)
4. Follow-up to Item No. 22: Reclaimed woodland labels W-W04-01 and W-W05-02 are listed in Section 4.1.2 (Post-Mining Topography and Land Use Map) but the woodland sites are not depicted. Section 4.2.3.1 (Post-Mining Replacement Woodlands) indicates these woodlands are 2.6 and 4.2 acres in size, respectively. Please review and revise to provide clarity. (GAW)

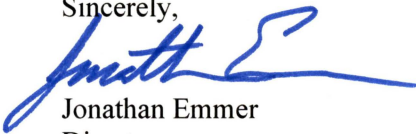
5. Follow-up to Item No. 22: Reclaimed woodland W-W08-3 is depicted in Section 4.1.2 (Post-Mining Topography and Land Use Map) but it is not included in Section 4.2.3.1 (Post-Mining Replacement Woodlands). Please review and revise to provide clarity. (GAW)
6. Follow-up to Item No. 20: Section 4.1.2 (Post-Mining Topography and Land Use Map) depicts pollinator plots on areas that have been planted to native grassland in the NE¼ of Section 4 and the NE¼ of Section 5, T144N, R88W. A pollinator plot seed mixture is not included in Section 4.2.2 (Seed Mixes) and the permit does not provide details on the planting timing, site preparation, or management of pollinator plantings on reclaimed native grassland. Coteau might consider providing additional information regarding their plans to plant pollinator plots on reclaimed lands with this permit revision. (GAW)

**Consolidated Bonding Plan**

7. Follow-up to Item No. 23: Please review and update the consolidated bonding plan to incorporate the changes proposed in Revision No. 29 to determine the worst-case scenario. (SMN, JWE)

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)