

FREEDOM MINE
THE COTEAU PROPERTIES COMPANY

December 26, 2024

Mr. Jonathan Emmer
Director Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

Dear Mr. Emmer:

Final Bond Release #2 to Permit NACT-1801 has been uploaded to Permit Services. Changes have been tracked using track changes and highlighted in green. Responses below refer to technical review deficiencies in your November 21, 2024 letter.

Attachment Va – SPGM Respread Depth Map

- As detailed in the Reclamation Division's September 25, 2024 soil probing inspection report, four soil probe locations in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 29 were observed to exhibit an apparent deficiency in subsoil respread thickness. These areas were required to be respread with 48-inches of SPGM according to the corresponding grade approvals, and the four soil probes were observed to have SPGM depths of 36 inches or less. As stated in NDAC 69-05.2-15-04(4)(a)(2)(a), the minimum thickness of redistributed suitable plant growth material in any random location must be within 6 inches of the average thickness required for an area based on the graded spoil characteristics as determined by representative sampling. Since the sampling locations showing noncompliant SPGM depths lie within the coal removal boundary and no spoil sampling was conducted in these areas, the Reclamation Division agrees that these areas require a 48-inch respread. Coteau must address this issue before final bond release will be approved. (MLJ/TLD)*

Coteau submitted overburden sample results to the PSC on November 13, 2024 and December 2, 2024 to demonstrate that the respread thickness is adequate.

Attachment Vb – Topographic Map

Freedom Mine – Coteau Properties Company
204 County Road 15
Beulah, ND 58523
P: 701.873.2281
NACoal.com
Coteau Properties Company, a subsidiary company of The North American Coal Corporation

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Bond Release 2 Technical 1 Response Letter

Coteau Properties Company
Mark A Wallen

2. *Please revise Attachment Vb (Topographic Map) to include an annotation that identifies all undisturbed land in the bond release tracts. (PJR)*

Attachment Vb (Topographic Map) has been updated as requested.

Attachment VIa – Tract 1 General Information

3. *As required by the Addendum to Final Bond Release Application, page 3 of application form SNF 19813 (1-2004), please provide the dates when coal removal operations began and ended, and when grade approvals were granted. The third paragraphs on pages 1 and 2 of Attachment VIa (Tract 1 General Information) states reclamation began in 2001 and ended in 2012, but the required detailed information is not provided. (GAW/PJR)*

The narrative in Attachment VIa (Tract 1 General Information) has been updated as requested.

4. *The note indicated by an asterisk at the bottom of Table VIa-1 on page 1 of Attachment VIa (Tract 1 General Information) references the NE $\frac{1}{4}$ of Section 29, T145N, R88W rather than T145N, R87W. Please correct this error. (GAW)*

This error has been corrected.

5. *The last sentence on page 2 of Attachment VIa (Tract 1 General Information) states that areas of prime farmland soils where coal was removed were replaced to the post-mining 48-inch respread depth requirement. Please clarify if any prime farmland acreage was reclaimed in this bond release application. Documentation on file with the Reclamation Division indicates the pre-mine prime farmland included in this bond release application may have been exempt from the prime farmland reclamation requirements because of the pre-mine land use. (GAW/TLD)*

The narrative in Attachment VIa (Tract 1 General Information) has been updated regarding the replacement of prime farmland soils in Tract 1.

6. *The Yearly Management subsection of Attachment VIa (Tract 1 General Information) indicates 54 acres were hayed from 2010 through 2017. Please clarify if the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ was hayed during this period and which tract was grazed in rotation with the SW $\frac{1}{4}$ of Section 29. (GAW)*

Attachment VIa (Tract 1 General Information) was updated as requested.

7. *Please discuss if there was any pre-mine wetland acreage in the bond release tract and if any wetland acreage was replaced. Since temporary wetlands are not classified as a separate land use, the land use map and the pre- and post-mining land use information provided does not adequately assess this issue. Moreover, the Reclamation Division believes the spring seep that has developed where sediment pond P-J29-01R was located should be considered wetland acreage. Please include a discussion about this spring seep and the associated wetland acreage in Attachment VIa (Tract 1 General Information) and discuss whether the seep and wetland acreage are adverse or beneficial to the approved postmining land use. (GAW)*

Language regarding the spring seep has been added to the narrative in Attachment VIa (Tract 1 General Information). Since no wetlands were identified during pre-mining surveys and no post-mining wetlands were planned for replacement within Tract 1, Coteau does not feel that it would be appropriate to delineate any acreage as such.

8. *Please revise the conservation tree planting narrative on page 3 of Attachment VIa (Tract 1 General Information) to clarify if canopy cover or ground cover in the tree planting is adequate to protect the site from erosion. Also, please provide revegetation success information about whether the species planted successfully established. (GAW)*

The narrative in Attachment VIa (Tract 1 General Information) has been updated with language regarding erosion control within the conservation tree planting. Since conservation tree plantings are meant to be an enhancement of the surrounding land use, no information regarding the revegetation success of the trees themselves was included.

Attachment VIb – Tract 2 General Information

9. *The last sentence in the third paragraph of page 1 of Attachment VIb (Tract 2 General Information) incorrectly indicates native grassland, cropland and roads were reclaimed in Tract 2. Please correct this error. (GAW)*

This error has been corrected.

10. *A sentence in the third paragraph of page 2 of Attachment VIb (Tract 2 General Information) states that grading was conducted to bring ground levels to the approved post-mine contours and that grade approval was granted by the PSC. If Tract 2 was only affected by associated disturbances, then this was not the case. Please review and revise to provide clarity. (GAW/PJR)*

The information regarding grading and contouring on page 2 of Attachment VIb (Tract 2 General Information) has been revised to more appropriate language.

11. *Table VI-1 and Attachments IX and XIII are referenced in the fourth paragraph on page 2 of Attachment VIb (Tract 2 General Information). Please revise to reference Table VIb-1 and Attachments IXb and XIIIb rather than VI-1 and Attachments IX and XIII. (GAW)*

Attachment VIb (Tract 2 General Information) has been updated to reference the correct information.

12. *The first paragraph on page 3 of Attachment VIb (Tract 2 General Information) includes a discussion about prime farmland soils, but no prime farmland soils are depicted on this tract on the Pre-Mine Soils map, Attachment VIc. Please review and revise to provide clarity. (GAW)*

Attachment VIb (Tract 2 General Information) was updated to remove language regarding prime farmland soils.

13. *The Yearly Management subsection of Attachment VIb (Tract 2 General Information) indicates that 145 acres were rotationally grazed, but Tract 2 only contains approximately 67 acres of reclaimed and undisturbed grasslands. Please revise this section to accurately reflect the acres grazed. (WWS)*

Attachment VIb (Tract 2 General Information) was updated as requested.

Attachment VIIa – Post-Mining Hydrologic Assessment

14. *The second sentence of the third paragraph on page 2 in Attachment VIIa (Post-Mining Hydrologic Assessment) states that stockponds SP-29-02 and SP-29-03 are located in Tract 2. This appears to be a typographical error. Please update the location for stockponds SP-29-02 and SP-29-03 to Tract 1. Also, please remove “The value for sodium in” at the beginning of the second sentence of the last paragraph on page 2 of the Attachment. (JAR)*

Attachment VIIa (Post-Mining Hydrologic Assessment) has been updated as requested.

Attachment IX – Tame Pastureland

15. *The sample numbers used in the sample adequacy formulas on page 2 of Attachment IXa1 (Tract 1 Production Standard Calculations) are not consistent with the number of samples taken. Please correct the sample number values and the associated t-distribution values in the sample adequacy formulas. In addition, please round the calculated number of samples required values up to the nearest whole number. (GAW)*

Attachment IXa1 (Tract 1 Production Standard Calculations) has been updated as requested.

16. *The t-distribution values used to calculate sample adequacy on page 6 of Attachment IXa1 (Tract 1 Production Standard Calculations) and pages 2 and 6 of Attachment IXb1 (Tract 2 Production Standard Calculations) are not correct. Please correct these errors and update the calculated required sample size (n) accordingly. In addition, please round the calculated sample size (n) up to the nearest whole number since fractions of a sample are not taken. (GAW)*

Attachment IXa1 (Tract 1 Production Standard Calculations) and Attachment IXb1 (Tract 2 Production Standard Calculations) have been updated as requested.

Attachment XII – Developed Water Resources

17. *For compliance with NDCC 38-14.1-17(7)(c)(2), please include a pond maintenance agreement or other documentation in Attachment XII (Developed Water Resources) that will allow the Commission to realize the commitment that has been made for the future maintenance of developed water resources SP-29-01 and SP-29-02. (GAW)*

Coteau included a pond maintenance agreement from both surface owners for privately owned stockpond SP-29-01. These agreements have been included with Attachment XIIIb (Developed Water Resources).

Attachment XIII – Roads

18. *Please provide correspondence from the Mercer County Road Superintendent that states the County is satisfied with the re-constructed section line road along the west side of the SW $\frac{1}{4}$ of Section 29. This information was included in Coteau's September 12th, 2024 submittal, but is not included in Coteau's October 10, 2024 submittal. (WWS)*

Correspondence from the Mercer County Road Superintendent has been included with Attachment XIIIa-Roads (Tract 1).

If you have any questions, please contact me.

Mr. Jonathan Emmer
December 26, 2024
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Sincerely,

THE COTEAU PROPERTIES COMPANY

Mark A. Wallen
Environmental Specialist

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