



Public Service Commission

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August 14, 2026

Mr. Michael Berg
Environmental Supervisor
Coteau Properties Company
204 County Rd. 15
Beulah, ND 58523-9475
michael.berg@nacoal.com

Dear Mr. Berg:

The Reclamation Division has completed an initial review of the application for final Bond Release No. 4 to Surface Coal Mining Permit NACT-9501, submitted July 22, 2026. An inspection of the property as required by NDCC 38-14.1-17 will be delayed until after the public notice has been published and the notification letters have been mailed. The Reclamation Division will continue to process this bond release application but will not be able to recommend Commission approval until the Consolidated Vegetation Success Standards (CVSS) document, which includes programmatic changes that Coteau is proposing to use to demonstrate revegetation success, has been approved. Please address the following items prior to publishing the public notice or notifying surface owners and governmental agencies.

Items No. 65 through No. 94 below are technical in nature. These items may be addressed at this time or during the technical review period. If the items are not addressed at this time, please indicate that in your response letter.

Application Form

1. Page 3 of the application, Addendum to Final Bond Release Application, is identified as Attachment 1; however, Attachment 1 is also used for the Metes and Bounds Map. To avoid confusion, please consider renaming page 3 of the application as Attachment i or another unique designation. (BSM)

Attachment II – Metes and Bounds Description

2. Please revise the total acreage on Attachment II (Metes and Bounds Description). Currently, the total is listed at 599.3440 acres, but combining Tract 1 with 399.4416 acres and Tract 2 with 159.9024 acres the tracts should have a total acreage of 559.3440 acres. (BSM, WWS)

Attachment III – Public Notice

3. Attachment III (Public Notice) incorrectly indicates that the permit area is bonded in consolidation with adjacent mining permits for an amount totaling \$205 million dollars. Records on file with the Reclamation Division indicate the Freedom Mine is bonded for a

total of \$215 million dollars. Additionally, the word “dollars” following the amount is unnecessary. Please review and revise as necessary. (GAW, BSM, JWE, PJR, WWS)

4. Please attach the public notice map to Attachment III (Public Notice). (WWS, PJR, JAR)
5. The location provided in Attachment III (Public Notice) states that the bond release encompasses the W½ and the NE¼ of Section 35, T146N, R88W. Please update this to the W½ and the W½ of the NE¼ of Section 35, T146N, R88W to correlate with the information provided in the application. (JAR, TLD)
6. The first and second paragraphs of Attachment III (Public Notice) state that Tract 1 has 399 acres, but then later shows that Tract 1 has 399.4 acres on the provided table. Please update the public notice to refer to the acreages in a consistent manner. (PJR)
7. A sentence in the first paragraph of Attachment III (Public Notice) states that approximately 547 acres were affected by mining but paragraphs three and four indicate that 559 acres were reclaimed. Please revise to provide clarity. (GAW)
8. Please revise the Tract 1 and Tract 2 acreage tables in Attachment III (Public Notice) to add an undisturbed category and update the acreages according to the reclaimed land use and all undisturbed acreage. (WWS, GAW, AAC)
9. According to the 2025 Freedom Mine Annual Mine Map, it appears that a small portion of Tract 1 was not disturbed by mining activity in the southeastern corner of the SW¼ of Section 35. Please update all applicable language in Attachment III (Public Notice) to account for the acreage change. (WWS)
10. Please update Attachment III (Public Notice) to provide a clear and concise disturbance and reclamation timeline for both Tracts 1 and 2. Currently, the second and third paragraphs of this attachment state that grading began after grade packages were approved, also the timelines state that reclamation began after grading. Please refer to Final Bond Release No. 2 to NACT-1801 for an approved public notice and letters to interested parties. (WWS)
11. Please revise the last sentence of the first paragraph of Attachment III (Public Notice) to ... (backfilling and grading, soil resspreading, vegetation establishment, and ~~final release~~ revegetation success). (WWS)

Attachment IV – Letters to Interested Parties

12. Please update Attachment IV (Letters to Interested Parties) to include a summary list of interested parties at the beginning. Please refer to the format used in previously approved Final Bond Release No. 3 to Permit NACT-9501 for an example. (BSM)
13. Attachment IV (Letters to Interested Parties) incorrectly indicates that the permit area is bonded in consolidation with adjacent mining permits for an amount totaling \$205 million dollars. Records on file with the Reclamation Division indicate the Freedom Mine is bonded for a total of \$215 million dollars. Please review and revise as necessary. (GAW, WWS, JWE)

14. A sentence in the first paragraph of Attachment IV (Letters to Interested Parties) states that approximately 547 acres were affected by mining but paragraphs three and four indicate that 559 acres were reclaimed. Please revise to provide clarity. (GAW, WWS)
15. According to the 2025 Freedom Mine Annual Mine Map, it appears that a small portion of Tract 1 was not disturbed by mining activity in the southeastern corner of the SW ¼ of Section 35. Please update all applicable language in Attachment IV (Letters to Interested Parties) to account for the acreage change. (WWS)
16. Please revise the Tract 1 and Tract 2 acreage tables in Attachment IV (Letters to Interested Parties) to add an undisturbed category and update the acreages according to the reclaimed land use and all undisturbed acreage. (WWS, GAW, AAC)
17. Please update Attachment IV (Letters to Interested Parties) to provide a clear and concise disturbance and reclamation timeline for both Tracts 1 and 2. Currently, the second and third paragraphs of these attachments state that grading began after grade packages were approved. The timelines also state that reclamation began after grading. Please refer to previously approved Final Bond Release No. 2 to NACT-1801 for an approved public notice and letters to interested parties. (WWS)
18. According to the Surface and Coal Ownership map (Section 1.5.3) in Permit NACT-9501, Allen J. Eisenbeis, Jon D. Crabtree Revocable Trust and Clyde T. Eisenbeis are surface owners adjacent to Tract 2. Please provide a list of the adjacent surface owners and update Attachment IV (Letters to Interested Parties) as necessary. (GAW)
19. Please review and update the addresses to the governmental agencies as needed. For example, the letter to the Department of Water Resources should be addressed to Reice Haase, Director, the State Geologist is now Clint Boyd, the NRCS State Soil Scientist is Jordaan Thompson Larson, and the Director of the DEQ is Beth Jacobson. (WWS)
20. Please review and update the address for Lucille Sailer, as Beulah is spelled incorrectly. (WWS, BSM)
21. The mailing address for the Mercer County Auditor, Ms. Carmen Reed, is listed as PO Box 39 Beulah, ND 58523, rather than PO Box 39 Stanton, ND 58571. Please review and revise the address accordingly. (BSM)
22. The listed address for the North Dakota State Soil Conservation Committee (SSCC) appears to be outdated. As of July 23, 2026, the PSC was notified that Paula Comeau is an appropriate contact for the SSCC and can be reached at Dept 7390, PO Box 6050 Fargo, ND 58108-6050. Please update the mailing address accordingly. (BSM)
23. Please revise the Newspaper Publication Notice Map on Attachment IV (Letters to Interested Parties) to show the township, range, and section number clearly for Sections 34 and 35. (WWS, BSM)

24. The scale on the Newspaper Publication Notice Map included with Attachment IV (Letters to Interested Parties) does not appear to not correspond to the map. Please review and revise the scale accordingly. (BSM)
25. Please consider revising the Newspaper Publication Notice Map on Attachment IV (Letters to Interested Parties) to have the arrow pointed to the southeast, rather than just straight south, as someone could be easily confused to the exact location of the bond release application. (WWS)

Attachment VIa – Tract 1 General Information

26. The first sentence of the Reclamation History subsection on page 2 of Attachment VIa states SPGM was respread after reclamation was completed. Please correct this error. (GAW)
27. According to the 2025 Freedom Mine Annual Mine Map, it appears that a small portion of Tract 1 was not disturbed by mining activity in the southeastern corner of the SW¼ of Section 35. Please update all applicable language in Attachment VIa (Tract 1 General Information) to account for the acreage change. (WWS)
28. Please provide cover data for the conservation tree row planting as required on page 12 of the Freedom Mine Consolidated Vegetation Success Standards (CVSS) to verify that the conservation planting has met cover standards and that noxious weeds are controlled. (WWS)
29. Please revise the third paragraph of the Reclamation History in Attachment VIa (Tract 1 General Information) to give the full history of the conservation shelterbelt W-35-01. This tree planting was originally replacement woodland W-35-01; therefore, please provide the reasoning for the identification alteration. (WWS)
30. Please provide a discussion regarding the reclamation of the statutory right-of-way along the southern and western boundary and the improved section line on the northern boundary of Section 35. Please adjust all acreage counts as applicable. Please refer to Final Bond Release No. 2 to NACT-1801 for an example of bond release for an improved section line road. (WWS, GAW, AAC)

Attachment VIb – Tract 2 General Information

31. A sentence in the second paragraph on page 1 of Attachment VIb (Tract 2 General Information) states that 160 acres were reclaimed but Table VIb-1 indicates that tract contains 159.9 acres, of which 12.4 acres are undisturbed land. Please review and revise to provide accurate information. (GAW)
32. The first sentence of the Reclamation History subsection on page 2 of Attachment VIb (Tract 2 General Information) states SPGM was respread after reclamation was completed. Please correct this error. (GAW)
33. A sentence in the fifth paragraph on page 2 of Attachment VIb (Tract 2 General Information) states that management of plantings will consist of spraying for noxious weeds... Please revise to provide management measures taken during the revegetation

responsibility period as opposed to what was planned. This would include initially seeding the sites to native grasses, fencing to exclude livestock, and installing weed barrier fabric. The Reclamation Division believes that only one of these plantings was planted to the species provided to mimic a woodland whereas the others were planted as shelterbelts in wide single species rows. (GAW)

34. Please revise Attachment VIb (Tract 2 General Information) to include a discussion about reclamation of the farmstead acreage and provide the data required to demonstrate revegetation success. Attachment VIc (Revegetation Initiation and Land Use Map) depicts reclaimed and perhaps undisturbed farmstead acreage in the southwest corner of Tract 2. (GAW)
35. Please provide cover data for the conservation tree row plantings as required on page 12 of the Freedom Mine Consolidated Vegetation Success Standards (CVSS) to verify that the conservation plantings meet cover standards and that noxious weeds are controlled. (WWS)
36. Please provide a discussion regarding the reclamation and use of the statutory rights-of-way along the southern and eastern boundary of Section 34. (WWS, GAW, AAC)
37. Please revise the third paragraph of the Reclamation History in Attachment VIb (Tract 2 General Information) to give the full history of the conservation shelterbelt W-34-01. In the landowner preference statement in Section 4.1.4 of Surface Coal Mining Permit NACT-9501, the landowner requested that four conservation shelterbelts be planted but the fifth shelterbelt was originally a replacement woodland planting. Please provide the reasoning for this identification alteration. (WWS, GAW)

Attachment VIc – Revegetation Initiation Dates and Land Use

38. According to the 2025 Freedom Mine Annual Mine Map, it appears that a small portion of Tract 1 was not disturbed by mining activity in the southeastern corner of the SW¼ of Section 35. Please update Attachment VIc (Revegetation Initiation Dates and Land Use) to properly identify the undisturbed acreage. (WWS)

Attachment VId – Pre-Mine Soils Map

39. Please update the Attachment VId (Pre-Mine Soils Map) legend to include the soils that are shown on the map. It appears that the current map legend is for an area in Permit NACT-1801. (WWS)
40. According to the 2025 Freedom Mine Annual Mine Map, it appears that a small portion of Tract 1 was not disturbed by mining activity in the southeastern corner of the SW¼ of Section 35. Please update Attachment VId (Pre-Mine Soils Map) to properly identify the undisturbed acreage. (WWS)

Attachment Xa – Cropland

41. Please provide additional information regarding the grassed waterways in the cropland that account for approximately 10 acres of the total cropland section. NDAC 69-05.2-12-12(7) requires that areas do not contribute suspended solids to streamflow or runoff outside the

permit area and no information is given regarding these 10 acres. The Reclamation Division understands the importance of these waterways to reduce runoff but believes that the permittee should provide a narrative regarding the large portion of the cropland that these grassed waterways encompass. (WWS, AAC)

42. Please provide a narrative on Attachment Xa (Cropland) describing the complete management history for the cropland control areas as required on page II-C-3 of the Commission's Revegetation Guidelines. (WWS, GAW)
43. Please revise Attachment Xa (Cropland) to provide the reclaimed prime farmland and non-prime farmland acreage in Tract 1. (GAW)

Attachment Xb – Vegetative Productivity Standards for Reclaimed Cropland

44. The Reclamation Division has concerns about how the productivity index (PI) for the cropland standard was calculated. Currently, the application weights the prime cropland PI by the total prime acreage in Mine Area 4 North (MA4-N) to the total non-prime acreage in MA4-N in the CVSS. This calculation does not account for the ratio of prime cropland to non-prime cropland in the bond release tract. The standard should be calculated by weighing the prime acreage to the nonprime acreage that was respread in the cropland in this bond release application. This is computed by multiplying the actual prime farmland PI by the MA4-N average prime PI value and the actual non-prime farmland acreage by the MA4-N average non-prime farmland PI value. The sum of these values should then be divided by the total acreage of reclaimed cropland. Please update all sections as necessary. (WWS, GAW)
45. Please correct the productivity index (PI) for the Section 5 prime soils for MA4-North under step 1. It appears that the CVSS mistakenly changed this PI from 90.7 to 68.3. Along with this update, please update any other applicable sections with the new calculations. (WWS)
46. Please provide clarification as to why the vegetative production standard for the Gerald Wolf SE¼ NE¼ Section 6 cropland reference area has an area of 23 acres, but the control cropland survey only shows 18 acres were harvested. Please update the production standards if necessary. (WWS)

Attachment Xd – Control Cropland Survey Data Sheets

47. Please provide additional details regarding the cropland control area in 2024. The producer states that the cropland was planted to hard red winter wheat (HRWW) on 9/19/2024 and then harvested on 8/11/2024. Also, the Reclamation Division has concerns that the comparison is currently being made for 2024 with HRWW on the cropland control area and hard red spring wheat (HRSW) on the reclaimed tract, which can vary greatly in yield based on the winter and spring conditions. (WWS, GAW)

Attachment XI – Native Grassland

48. The Reclamation Division has concerns about the use of the Section 9 loamy reference area for production and ground cover standard calculations in this bond release for Tract 1. As previously mentioned in Final Bond Release No. 2 to NACT-9501, it appears that the Section 9 Loamy reference area is not being managed in the same effect as the reclaimed

land. Please provide additional information on the management history of this reference area and any other information that may aid in the review of this application. (WWS)

49. As required by the ND PSC Revegetation Success Standards document, please provide a species list for Tracts 1 and 2 to show at least three native forbs present during each of the years data is being used to demonstrate native grassland revegetation success. (AAC, WWS, GAW)

Attachment XIa1 – Production Standard Calculations

50. The link for Attachment XIa1 (Production Standard Calculations) is broken in the web browser version of this bond release application. Please update this link to ensure all information is included in the web browser bond release application. (AAC, GAW)
51. The headings for each page of Attachment XIa1 (Production Standard Calculations) refer to the attachment as Xa. Please correct this error. (WWS)

Attachment XIa2 – Production Survey Results

52. Please revise the annual reference area and reclaimed production data sample adequacy information to provide t-distribution values to three decimal places. It is not clear if n-1 degrees of freedom were used. (GAW, WWS)
53. Please provide a copy of the production sampling data for Tract 1 for the years being used to demonstrate revegetation success. This information is not included with the reference area production sampling data in Attachment XIa2. (GAW, WWS)

Attachment XIa3 – Standard Cover Calculations

54. Crested Wheatgrass is listed as a native species in the *2019 Native Grassland Basal Cover Calculations* table but is listed as an introduced species in the *2024 Native Grassland Basal Cover* table in Attachment XIa3 (Standard Cover Calculations). Please review these tables and ensure the grass species are listed in the appropriate categories, and that any calculations for native versus introduced species were not affected. (AAC)
55. Attachment XIa3 (Standard Cover Calculations – Tract 1) is labeled as Attachment XIb3 (Standard Cover Calculations – Tract 2) throughout the attachment. Please review and ensure the appropriate data is present and relabel the attachment as needed. (AAC)

Attachment XIb1 – Production Standard Calculations

56. The headings for each page of Attachment XIb1 (Production Standard Calculations) refer to the attachment as IXb1. Please correct this error. (WWS)

Attachment XIb2 – Production Survey Results

57. Please revise the annual reference area and reclaimed production data sample adequacy information to provide t-distribution values to three decimal places. It is not clear if n-1 degrees of freedom were used. (GAW, WWS)

58. Please provide a copy of the production sampling data for Tract 2 for the years being used to demonstrate revegetation success. This information is not included with the reference area production sampling in Attachment XIb2. (GAW, WWS)

Attachment XIb3 – Basal Cover Standard Calculations

59. The headings for each page of Attachment XIb3 (Basal Cover Standard Calculations) refer to the attachment as IXb3. Please correct this error. (WWS)

Attachment XIIa – Developed Water Resources (Tract 1)

60. Stockponds SP-H35-02 and SP-H35-03 are designed as combination embankment/incised structures, but no discussion is provided in Attachment XIIa (Developed Water Resource (Tract 1)) of how plans for sound future maintenance of the permanent impoundments have been implemented as required by NDAC 69-05.2-12-12(7)(c). Please provide a narrative describing future maintenance of these stockponds. (JAR)
61. Please provide aerial images of stockponds SP-H35-02 and SP-H35-03. The Commission's Revegetation Guidelines, page II-I-02 states that "Those portions of a developed water resource outside of the pool area of a developed water resource must be established with perennial vegetation...". Attachment XIIa (Developed Water Resources (Tract 1)) provides no discussion or information regarding the vegetation surrounding the stockpond. (WWS)

Attachment XIIb – Developed Water Resources (Tract 2)

62. Stockpond SP-H34-03 is designed as a combination embankment/incised structure, but no discussion is provided in Attachment XIIb (Developed Water Resource (Tract 2)) of how plans for sound future maintenance of the permanent impoundment have been implemented as required by NDAC 69-05.2-12-12(7)(c). Please provide a discussion of plans for sound future management of the impoundment by including a written comment from the landowner to follow a sound management plan for the specified impoundments. (JAR)
63. Please provide aerial images of stockpond SP-H34-03. The Commission's Revegetation Guidelines, page II-I-02 states that "Those portions of a developed water resource outside of the pool area of a developed water resource must be established with perennial vegetation...". Attachment XIIb (Developed Water Resources (Tract 2)) provides no discussion or information regarding the vegetation surrounding the stockpond. (WWS)

General

64. In reference to Items No. 30 and 36 of this letter, please create a Roads section in this bond release application and provide correspondence from the Mercer County Road Superintendent. Please refer to Final Bond Release No. 2 to NACT-1801 for an example. (WWS)

Additional Items – More Technical

Attachment Va – SPGM Respread Depths Map

65. The scale on Attachment Va (SPGM Respread Depths Map) does not appear to correspond to the map. Please review and revise the scale accordingly. (BSM)
66. Please update Attachment Va (SPGM Respread Depths Map) to clearly show all respread depths. The topsoil depth of grade approval 00239 in Tract 2 cannot be read. (TLD)

Attachment Vb – Topographic Map

67. The scale on Attachment Vb (Topographic Map) does not appear to correspond to the map. Please review and revise the scale accordingly. (BSM)

Attachment VIa – Tract 1 General Information

68. A sentence at the end of page 1 and beginning of page 2 of Attachment VIa (Tract 1 General Information) states that the cropland and native grassland reached year seven of the revegetation responsibility period in 2019 and 2021, respectively. However, Attachment VIc (Revegetation Initiation Dates and Land Use) indicates that year seven of the cropland tract is 2016 and year seven of the native grassland tract is 2020. Please review and revise if necessary. (GAW)
69. Please revise the Reclamation Practices subsection of Attachment VIa (Tract 1 General Information) to describe reclamation practices on lands affected by coal mining where no coal was removed (associated mining disturbance) as these areas are not subject to the grade approval process and graded spoil properties SPGM replacement requirements. A sentence in the second paragraph on page 2 of Attachment VIa states that “Areas of associated disturbance were reclaimed to their post-ming land use standards...” Please clarify what the post-mining use standards are for areas of associated mining disturbance. (GAW)

Attachment VIb – Tract 2 General Information

70. A sentence at the end of page 1 and of page 2 of Attachment VIb (Tract 2 General Information) incorrectly refers to Tract 1 rather than Tract 2 and states that the native grassland reached year seven of the revegetation responsibility period in 2023. However, Attachment VIc (Revegetation Initiation Dates and Land Use) indicates that the native grassland reached year seven in 2020. Please review and revise as necessary. (GAW)
71. Please revise the Reclamation Practices subsection of Attachment VIb (Tract 2 General Information) to describe reclamation practices on lands affected by coal mining where no coal was removed (associated mining disturbance). These areas were not subject to the grade approval process and graded spoil property SPGM replacement requirements. A sentence in the first paragraph on page 2 of Attachment VIa states that “Areas of associated disturbance were reclaimed to their post-ming land use standards...” Please clarify what the post-mining use standards are for areas of associated mining disturbance. (GAW)

Attachment VIII – Wildlife Assessment

72. Please remove the reference to the undisturbed woodlands outside of the bond release area in Attachment VIII (Wildlife Assessment). (WWS)

73. Please provide a narrative about the effects that the conservation tree plantings have on the native wildlife. (WWS)

Attachment Xa – Cropland

74. Page 1 of Attachment Xa (Cropland) states that there is undisturbed cropland that is included in the whole field harvest of this tract but Table VIa1 in Attachment VIa (General Information) does not make any reference to undisturbed cropland in this bond release. Please update as necessary. (WWS, GAW)
75. The last paragraph on page 1 of Attachment Xa (Cropland) could be revised to clarify the 90 percent statistical confidence requirement applies to sampling techniques that involve statistical inference and does not apply to the results of whole field harvest. (GAW)
76. Please provide a narrative on Attachment Xa (Cropland) describing the respread depths of prime and non-prime cropland soil for the reclaimed cropland in Tract 1 as required on page II-C-3 of the ND PSC Revegetation Guidelines. (WWS)
77. Please revise the last paragraph on page 1 of Attachment Xa (Cropland) to specify the first year (seventh year of revegetation responsibility period) sampling data from the cropland tract may be used to demonstrate revegetation success. (GAW)
78. Please correct table Xa-1 (Yield Standard Results) in Attachment Xa (Cropland) as the columns do not match the 2019, 2023, or 2024 yields listed in Attachment Xb (Cropland Vegetative Standards). (WWS)
79. Please provide soil maps for the two cropland reference areas, as required on page II-C-3, No. 3 of the ND PSC Revegetation Success Standards. (WWS)

Attachment Xc – Reclaimed Cropland Surveys

80. Please provide an aerial image of the Tract 1 cropland with cropping boundaries for each year used in the bond release application in Attachment Xc (Reclaimed Cropland Surveys). (WWS)

Attachment XIa – Native Grassland Tract 1

81. Please provide soil maps for the native grassland reference areas, as required on page II-D-4, No. 3 of the ND PSC Revegetation Success Standards. (WWS)
82. The last sentence on page 1 of Attachment XIa (Native Grassland Tract 1) states that plots were sampled in close proximity to Attachment XIa5 (2019 Production Sampling Locations) while Attachment XIa6 (2024 Production Sampling Locations) depicts the locations of production sampling conducted in 2019 and 2024. Attachment XIa5 is titled 2019 Production Sampling Locations and Attachment XIa6 is titled 2024 Production Sampling Locations. Please revise the narrative to provide clarity. (GAW)
83. A sentence in the first paragraph on page 2 of Attachment XIa (Native Grassland Tract 1) states that one to four plots were clipped at each sample location shown on the maps.

Attachments XIa5 (2019 Production Sampling Locations) and XIa6 (2024 Production Sampling Locations) depict 13 and 14 sample locations, respectively. Please clarify the criteria used to determine whether one or four samples were to be taken at each location and how sampling techniques were stratified to ensure accurate proportional representation of each revegetation date. Please also provide sample location information with sampling data to aid evaluating whether the data truly represents the population mean. (GAW)

Attachment XIa2 – Production Survey Results

84. The Shallow Loamy ecological site is listed as a Shallow Ecological Reference Site on pages 2 and 10 of Attachment XIa2 (Production Survey Results). Likewise, the Thin Loamy ecological site is listed as a Thin Upland Ecological Reference Site on pages 6 and 12 of Attachment XIa2 (Production Survey Results). Please revise accordingly. (GAW)

Attachment XIa4 – Basal Cover Survey Results

85. The Shallow Loamy and Thin Loamy ecological sites are listed as a Shallow and Thin Upland Ecological Reference Site on pages 6 through 17, and 29 through 40 of Attachment XIa4 (Basal Cover Survey Results). Please revise the attachment with the proper naming convention of these ecological sites. (GAW)

Attachment XIb – Native Grassland Tract 2

86. Narrative in the last paragraph on page 1 of Attachment XIb (Native Grassland Tract 2) states that plots were sampled in close proximity to Attachment XIb5 while Attachment XIb6 depicts the locations of production sampling conducted in 2020 and 2022. Attachment XIb5 is titled 2020 Production sampling Locations and Attachment XIb6 is titled 2022 Production sampling Locations. Please revise the narrative to provide clarity. (GAW)
87. A sentence in the last paragraph on page 1 of Attachment XIb (Native Grassland Tract 2) states that one to four plots were clipped at each sample location shown on the maps. Please clarify the criteria used to determine whether one or four samples were to be taken at each location and how stratified random sampling techniques were used to ensure accurate proportional representation of each revegetation date. Please also provide sample location information with sampling data to aid evaluating whether the data truly represents the population mean. (GAW)

Attachment XIb1 – Production Standard Calculations

88. The Shallow Loamy ecological site is listed having a 2020 climatic correction factor of 1.60 in Step 1 on page 1 of Attachment XIb1, but page 2 of Attachment XIb2 (Production Survey Results) indicates the site yielded 2080 lbs per acre. Please change the 2020 yield value listed for the Shallow Loamy site from 2,162 to 2,080 and update the calculated climatic correction factors in Step 1 accordingly. (GAW)
89. Please revise the weighted production table in Attachment XIb1 (Production Standard Calculations) to correct the NRCS Production Estimate of the Cabba/Ringling soil series. The listed production is 1114 lbs/ac but the calculated total should be 1122 lbs/ac. This will also need to be revised in the CVSS. (WWS)

Mr. Berg
August 14, 2026
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90. The last sentence on page 2 of Attachment XIb1 (Production Standards Calculations) references Tract 1. Please correct this error as Attachment XIb1 is for Tract 2. (GAW)

Attachment XIb2 – Production Survey Results

91. The Shallow Loamy ecological site is listed as a Shallow Ecological Reference Site on pages 2 and 4 of Attachment XIb2 (Production Survey Results). Please revise to clarify that pages 2 and 4 represent the Shallow Loamy ecological site and not a Shallow ecological site. (GAW)

Attachment XIb3 – Basal Cover Standard Calculations

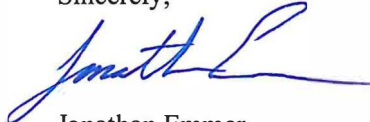
92. According to calculations on page 4 of Attachment XIb3 (Basal Cover Standard Calculations), goats beard, common dandelion, and sweet clover were counted as cover when computing the ground cover standard. NDAC 69-05.2-22-07(3)(a) states that all species used in determining ground cover must be perennial species not detrimental to the approved post-mining land use. Please revise the 2020 ground cover standard calculations accordingly. (GAW)
93. When calculating the ground cover standard, Step 3 on pages 5 and 13 of Attachment XIb3 (Basal Cover Standard Calculations), the shallow, presumably shallow loamy, reference area represents 43.4 and 62 pre-mine acres in 2020 and 2022, respectively. Neither of these acreage values are associated with the values provided in Step 1 of Attachment XIb3. Please clarify how the pre-mine shallow acreage amounts in Step 3 of Attachment XIb3 were calculated. (GAW)

Attachment XIb4 – Basal Cover Survey Results

94. The Shallow Loamy ecological site is listed as a Shallow Ecological Reference Site in the headings on pages 6 through 10, and 16 through 21 of Attachment XIa4. Please revise Attachment XIb4 (Basal Cover Survey Results) and clarify that this is a Shallow Loamy ecological site, not a Shallow ecological site. (GAW)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

cc via email only: Hannah Bailey (hannah.bailey@nacoal.com)
Dillon Belisle (dillon.belisle@nacoal.com)