


APPROVAL

DATE: 1-14-09


MOTION

January 14, 2009

**Coteau Properties Company
Revision No. 30, Permit NACT-9501
Approval**

Case No. RC-07-701


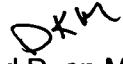
I move the Commission approve Revision No. 30 to Surface Coal Mining Permit NACT-9501 held by the Coteau Properties Company to revise the post-mining topography and land uses in portions of the permit area and to update other sections of the permit.

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PUBLIC SERVICE COMMISSION
Reclamation Division

Memorandum

TO: Commissioners Cramer, Clark and Kalk
Darrell Nitschke
Illona Jeffcoat-Sacco

FROM: Michael Berg,  Jim Deutsch and Dean Moos 

DATE: January 7, 2009

SUBJECT: Application for Revision No. 30 to Permit No. NACT-9501 held by Coteau Properties Company, Case No. RC-07-701

On August 29, 2007, the Coteau Properties Company (Coteau) filed an application for Revision No. 30 to Permit No. NACT-9501 for the Freedom Mine. The permit revision modifies the appropriate sections of the permit for post-mining topography and land use changes and makes other changes to the operations and reclamation plans. The Reclamation Division has completed its review of this revision and respectfully recommends that it be approved.

The primary purpose of Revision No. 30 is to modify the previously approved post-mining topography and land uses in areas affected by final pits. While these changes were proposed by Coteau to reduce the amount of spoil that has to be moved to backfill the final pit areas, the land use capability of the reclaimed land in these areas will be similar to what existed prior to mining. The revision also modifies other sections of the permit including increases to the holding capacity of some sedimentation ponds, updates to the anticipated surface water hydrologic consequences of mining, and adds design standards for reclaimed section line roads.

The Reclamation Division deemed Revision No. 30 as a significant revision to Permit No. NACT-9501 and therefore was subject to the public notice requirements. Coteau submitted affidavits of publication of the newspaper notice from the Beulah Beacon, Hazen Star, and Bismarck Tribune indicating that the notices were published on November 1, 8, 15, and 22, 2007. No objections to this revision application were received.

Attached for your consideration at the January 14th Commission meeting are the proposed motion, revision approval form, and newspaper notice that must be published following revision approval.

Attachments