



Public Service Commission

State of North Dakota

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May 12, 2010

Mr. David Glatt
North Dakota Department of Health
Gold Seal Center
900 E Divide Ave
Bismarck, ND 58501-1947

Dear Mr. Glatt:

Enclosed is a CD containing the application for Revision No. 8 to Coteau Properties Company's Surface Coal Mining Permit NACT-0201. This revision adds plans to mine federal coal for most lands south of County road 26 in the south part of this permit as well as revises the post-mining topography, updates the pre-mining and post-mining hydrological consequence and adds design plans for post-mining stock-ponds and wetlands.

As discussed in the Probable Hydrologic Consequence section, proposed sedimentation Ponds P-W27-01 and P-W27-02 will be located within the 100 foot buffer zone of West Antelope Creek; however, detailed designs of these ponds are not yet submitted. The exact locations of the ponds are unknown at this time. The Commission is required by NDAC 69-05.2-16-20 to consult the State Engineer as well as the State Department of Health prior to authorizing such activities near intermittent and perennial streams.

Please review those portions of the revision application within your areas of responsibility and provide us with comments by June 30, 2010. We would appreciate a response with regard to the proposed disturbances near West Antelope Creek.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Enclosure



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Mr. Dale Frink
State Engineer
North Dakota State Water Commission
900 East Boulevard
Bismarck, ND 58505

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