



Public Service Commission

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April 4, 2012

Mr. Donn Steffen
Environmental Manager
Coteau Properties Company
204 County Rd. 15
Beulah, ND 58523

Dear Mr. Steffen:

The Reclamation Division has conducted a completeness review of the application for Renewal No. 5 to Surface Mining Permit NACT-8601. The following items must be addressed prior to this office deeming the applications complete.

Newspaper Notice

1. Please edit the notice heading to read as follows: NOTICE OF FILING OF AN APPLICATION FOR RENEWAL OF PERMIT TO CONDUCT SURFACE COAL MINING AND RECLAMATION OPERATIONS. The revision should not be mentioned in the notice heading because it is an insignificant revision to the permit and is therefore not subject to the notice, hearing, and procedural requirements of NDAC 69-05.2-10 and NDCC 38-14.1-18, 38-14.1-19, and 38-14.1-20. Please refer to Coteau's notice for Renewal No. 6 to Permit No. NACT-8102 published in June 2011 as an example. (WTG/GAW)
2. Please edit the permit legal description to reflect that the current permit area includes only portions of Section 8, T145N, R87W, and Section 12, T145N, R88W. The acreage in Section 7, T145N, R87W has been bond released and is no longer part of this permit. (WTG/MDB/GAW)
3. Please edit the permit acreage figure to reflect that the current permit acreage is 772.528 acres as stated in the permit renewal application, rather than 1170.095 acres prior to final bond release of acreage in Section 7. (WTG/MDB/GAW)
4. Please edit the notice to delete the entire paragraph describing Revision 29 because it is an insignificant revision to the permit and is therefore not subject to the notice, hearing, and procedural requirements of NDAC 69-05.2-10 and NDCC 38-14.1-18, 38-14.1-19, and 38-14.1-20. The paragraph also incorrectly mentions identification of the next coal removal subareas that will be mined during the next five year permit term, according to the Extended Mine Plan Map. Please refer to Coteau's notice for Renewal No. 6 to Permit No. NACT-8102 published in June 2011 as an example. (WTG/MDB/GAW)

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5. Please edit the sentence regarding surface and coal ownership in the permit area to remove the reference to coal ownership. Updated coal ownership information is not necessary because coal removal is complete within the permit, according to the Extended Mine Plan Map. Please refer to Coteau's notice for Renewal No. 6 to Permit No. NACT-8102 published in June 2011 as an example. (WTG/GAW)
6. Please edit the tract ownership portion of the notice to remove the coal ownership information. The information is not necessary because coal removal is complete within the permit, according to the Extended Mine Plan Map. Please refer to Coteau's notice for Renewal No. 6 to Permit No. NACT-8102 published in June 2011 as an example. NDAC 69-05.2-10-01 (1) (b) (4) (WTG/GAW)
7. Please edit the last two paragraphs of the notice regarding public inspection and comments, objections, or requests for an informal conference to remove the reference to Revision 29 because it is an insignificant revision to the permit and is therefore not subject to the notice, hearing, and procedural requirements of NDAC 69-05.2-10 and NDCC 38-14.1-18, 38-14.1-19, and 38-14.1-20. Please refer to Coteau's notice for Renewal No. 6 to Permit No. NACT-8102 published in June 2011 as an example. (WTG/GAW)
8. Please revise the map title to read as follows: NEWSPAPER PUBLICATION NOTICE MAP PERMIT NACT-8601 RENEWAL. Revision 29 should not be mentioned in the map title because it is an insignificant revision to the permit and is therefore not subject to the notice, hearing, and procedural requirements of NDAC 69-05.2-10 and NDCC 38-14.1-18, 38-14.1-19, and 38-14.1-20. Please refer to Coteau's map accompanying the notice for Renewal No. 6 to Permit No. NACT-8102 published in June 2011 as an example. (WTG)

The map included with the advertisement can be used to show the exact location and boundaries of the permit area, as indicated in NDAC 69-05.2-10-01 (1) (b) (2). Thus, it is not necessary to describe the location of each tract and to include a metes and bounds description. In other words, simply stating that The Coteau Property Company is the surface owner of all of the property currently in the permit would be adequate.

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division