



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Brian P. Kalk  
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600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

December 26, 2013

Mr. Troy Leingang  
Environmental Manager  
Coteau Properties Company  
204 County Rd. 15  
Beulah, ND 58523

Dear Mr. Leingang:

The Reclamation Division has conducted a completeness review of the applications for Renewal No. 2 and Revision No. 16 to Surface Mining Permit NACT-0201. Revision 16 has been determined to be a significant revision to the permit and is therefore subject to the notice, hearing and procedural requirements. The following items must be adequately addressed prior to this office deeming the renewal and revision applications complete.

#### **Section 1.1.2 – Revision Summary Pages**

1. As required by NDAC 69-05.2-11-02(1)(c), please revise the Revision Summary to state that Revision 16 also identifies the coal removal subarea that will be mined during the next 5-year permit term. (WTG)

#### **Section 1.2.5.8 – Newspaper Publication Notice – Revision 16**

2. As required by NDAC 69-05.2-11-02(1)(c), please revise the revision updates in the second paragraph on page 1 of the notice to state that Revision 16 identifies the coal removal subarea that will be mined during the next 5-year permit term. (WTG)
3. The list of USGS quadrangle maps covering the permit area in the third paragraph on page 1 of the notice is no longer required but they may be retained in the notice at your discretion; however, please make a clear reference to the newspaper publication notice map that will be published and remove the reference to the “*proposed*” permit area. (WTG)
4. It appears that Charles Cameron Ball is listed as a coal owner in Tract 33 on Section 1.5.3, Surface and Subsurface Ownership Map, but is not listed as a coal owner in Tract 33 of the notice. Please review and revise as necessary. (WTG)

5. As required by NDAC 69-05.2-11-02(1)(c), please reference Revision 16 in the first sentence of the last paragraph on page 132 of the notice as follows: *“Written comments, objections, or requests for an informal conference on the revision and renewal ...”* (WTG)
6. As required by NDAC 69-05.2-11-02(1)(c), please also reference Revision 16 in the last sentence of the last paragraph on page 132 of the notice: *“The request must also state specifically the issues or objections that an affected party has regarding the renewal and/or revision.”* (WTG/GAW)

#### **Section 1.2.5.9 – Newspaper Publication Notice Map – Revision 16**

7. The federal coal tracts depicted on the newspaper publication notice map for Revision 16 have been retained on the map since the most recent significant permit revision that was Revision 8 approved January 12, 2011 to extend mining onto most of the federal coal tracts located south of County Road 26. We recommend that the federal coal tracts be removed from the map because there are no changes to the permit’s federal coal tracts proposed with Revision 16. (WTG)
8. As required by NDAC 69-05.2-11-02(1)(c), please add Revision 16 to Renewal 2 in the third line of the map title. (WTG)

#### **Section 1.2.7 – Relation to Mining – Prohibited Areas**

9. Follow-up to Item No. 1: Please update Section 1.2.7.1, Proposed Section Line and Road Closures and Setback Waivers Map, to clarify which roads and right-of-ways have actually been temporarily closed by the County as opposed to those that are projected to be closed. This map identifies a number of roads and right-of-ways in the southwest portion of the permit area as being projected to be temporarily closed but documents in Section 1.2.9 of the permit indicates that the County has already closed some of these roads. Please revise to provide clarity to ensure that no additional roads or right-of-ways need to be included in the public advertisement as required by NDAC 69-05.2-10-01(d). (GAW)

#### **Section 1.5 – Identification of Interest and Rights of Entry**

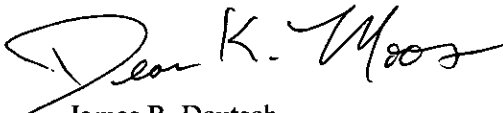
10. Follow-ups to item No. 5: Please review and revise the following items in Section 1.5.1 Permit Area Surface and Coal Interests as appropriate. (ZAB/WTG)
  - a) Information for Tract 21-B is missing from the tract summaries.
  - b) It appears the new information for Basin Electric Power Cooperative in Tract 32 was entered, but the old information was not struck through.
  - c) Information for Tract 48A is missing from the tract summaries.
11. Follow-up to Item No. 6: Consent Document Lease No. 00623 for Tract 108 in Section 1.5.1, Identification of Interest and Rights of Entry, indicates that it is valid for only the NE1/4 of Section 36 rather than the entire section. Please include surface and mineral ownership consent documents for the other three quarters of land in Section 36. (GAW)
12. Follow-up to item No. 5: Please review and revise the following items on the Surface and Coal Ownership Map 1-5-3 as appropriate. (ZAB)
  - a) It appears the coal ownership should be revised from Connie Mulder to Connie Czelatdko and Colleen Mulder on Tract 17.
  - b) There are two surface ownership headings and no coal ownership heading on Tract 57.

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We would appreciate receiving the current mailing addresses of all surface owners within Permit NACT-0201 in electronic format to help us notify the surface owners of this permit renewal and revision as required by NDCC 38-14.1-18(4).

Please respond in a timely manner so that processing of the revision and renewal can proceed. If you have any questions, please contact this office.

Sincerely,

  
James R. Deutsch  
to Director  
Reclamation Division