



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Brian P. Kalk  
Randy Christmann  
Julie Fedorchak

Executive Secretary  
Darrell Nitschke

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)  
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Fax: 701-328-2410  
TDD: 800-366-6888 or 711

October 28, 2014

Mr. Todd Sando  
State Engineer  
North Dakota State Water Commission  
900 East Boulevard, Dept 770  
Bismarck, ND 58505-0850

Dear Mr. Sando:

Enclosed is a DVD containing the application for Revision No. 18 to Coteau Property Company's Surface Coal Mining Permit NACT-0201. This revision adds detailed mining and reclamation plans for the northern portion of the permit area and revises the mining and reclamation plans for the southern portion of the permit area including a 16-year temporary cessation of mining in a portion of this area. Baseline environmental resource information was updated with this revision and 119.75 acres of undisturbed land currently in Permit NACT-9001 is being added to this permit. This revision also modifies the post-mining topography and post-mining land uses, and adds design plans for 5 sediment ponds, a sump and a diversion. Section 3.3 of the permit contains design details regarding water management features.

The Surface Water Hydrologic section of the permit, Section 2.2.4, was updated with this revision and the Pit Layout and Facilities Map, Section 3.1.3, shows all planned disturbance near intermittent and perennial streams. The Commission is required by NDAC 69-05.2-16-20 to consult the State Engineer as well as the State Health Department prior to authorizing disturbance within 100 feet of intermittent and perennial streams. Section 3.1.1.9, Intermittent Stream Buffer Zones, discusses all planned disturbance to intermittent and perennial streams. All proposed changes to the approved permit are highlighted in red.

Please review those portions of the Revision application within your areas of responsibility and provide us with comments by December 15, 2014. If you have any questions, please contact this office.

Sincerely,

James R. Deusch  
Director  
Reclamation Division

Enclosure

Minedata/Freedom/Permits/NACT-0201/Revisions/No.18/Rev18\_advrsy\_rvw\_rqst\_ltr\_10-28-14



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October 28, 2014

Mr. David Glatt, Chief  
Environmental Health Section  
North Dakota Health Department  
918 East Divide Avenue  
Bismarck, ND 58505-1947

Dear Mr. Glatt:

Enclosed is a DVD containing the application for Revision No. 18 to Coteau Property Company's Surface Coal Mining Permit NACT-0201. This revision adds detailed mining and reclamation plans for the northern portion of the permit area and revises the mining and reclamation plans for the southern portion of the permit area including a 16-year temporary cessation of mining in a portion of this area. Baseline environmental resource information was updated with this revision and 119.75 acres of undisturbed land currently in Permit NACT-9001 is being added to this permit. This revision also modifies the post-mining topography and post-mining land uses, and adds design plans for 5 sediment ponds, a sump and a diversion. Section 3.3 of the permit contains design details regarding water management features.

The Surface Water Hydrologic section of the permit, Section 2.2.4, was updated with this revision and the Pit Layout and Facilities Map, Section 3.1.3, shows all planned disturbance near intermittent and perennial streams. The Commission is required by NDAC 69-05.2-16-20 to consult the State Engineer as well as the State Health Department prior to authorizing disturbance within 100 feet of intermittent and perennial streams. Section 3.1.1.9, Intermittent Stream Buffer Zones, discusses all planned disturbance to intermittent and perennial streams. All proposed changes to the approved permit are highlighted in red.

Please review those portions of the Revision application within your areas of responsibility and provide us with comments by December 15, 2014. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Deutsch".

James R. Deutsch  
Director  
Reclamation Division

Enclosure



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October 29, 2014

Mr. Terry Steinwand, Director  
North Dakota Game and Fish Department  
100 North Bismarck Expressway  
Bismarck, ND 58501-5095

Dear Mr. Steinwand:

Enclosed is a DVD containing the application for Revision No. 18 to Coteau Property Company's Surface Coal Mining Permit NACT-0201. This revision adds detailed mining and reclamation plans for the northern portion of the permit area and revises the mining and reclamation plans for the southern portion of the permit area including a 16-year temporary cessation of mining in a portion of this area. Baseline environmental resource information was updated with this revision and 119.75 acres of undisturbed land currently in Permit NACT-9001 is being added to this permit. This revision also modifies the post-mining topography and post-mining land uses, and adds design plans for 5 sediment ponds, a sump and a diversion.

Please review those portions of the revision application within your areas of responsibility and provide us with comments by December 15, 2014. Section 2.7 of the permit contains the Wildlife Resource information and Sections 2.4 and 4.1 contain the Pre- and Postmining Land Use information. The mine plan indicates that approximately 102 acres of tall shrubs and trees will be affected by mining in addition to the approximately 11 acres already affected, which is about 30% of the tall shrubs and trees in the permit. The pre- and post-mine land use acreage amounts are shown in Section 4.1.3.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Deutsch".

James R. Deutsch  
Director  
Reclamation Division

Enclosure



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October 28, 2014

Ms. Mary E. Podoll  
State Conservationist  
Natural Resource Conservation Service  
220 East Rosser Ave.  
P.O. Box 1458  
Bismarck, North Dakota 58502

Dear Ms. Podoll:

The Coteau Properties Company has filed Revision No. 18 to Surface Coal Mining Permit NACT-0201 for the Freedom Mine. This Revision application adds detailed mining and reclamation plans for the northern portion of the permit area and revises the mining and reclamation plans in the southern portion of the permit. An additional 119.75 acres of undisturbed land presently in surface coal mining permit NACT-9001 is being added to Permit NACT-0201. This acreage contains prime farmland that will be affected but not mined. The permit will consist of 17,170.51 acres of land with a total of 1,115.47 acres of prime farmland soils. The updated mine plan shows that an additional approximately 160 acres of prime farmland soils are to be mine and additional acreage will be disturbed by associated mining activities.

Enclosed is a DVD of the electronic permit revision application for your agencies review. Please review the prime farmland reclamation plan and submit any comments or concerns that you may have to the Reclamation Division by December 15, 2014. Your office reviewed the prime farmland soils reclamation plan for this Permit prior to it being approved in 2004. The soil resource information can be found in Section 2.5 of the permit and the soils handling plan is discussed in Section 3.1.1.1.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "James R. Deutsch".

James R. Deutsch  
Director  
Reclamation Division

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October 28, 2014

Mr. Jeffrey Fleischman, Chief  
Denver Field Division  
Office of Surface Mining  
PO Box 11018  
150 East B Street  
Casper, WY 82602-5004


Dear Mr. Fleischman:

Enclosed is a DVD containing the application for Revision No. 18 to Coteau Property Company's Surface Coal Mining Permit NACT-0201. This revision adds detailed mining and reclamation plans for the northern portion of the permit area (including mining plans for additional leased federal coal) and revises the mining and reclamation plans for the southern portion of the permit area including a 16-year temporary cessation of mining for a portion of this area. Baseline environmental resource information was updated with this revision and 119.75 acres of undisturbed land currently in Permit NACT-9001 is being added to this permit. This revision also modifies the post-mining topography and post-mining land uses, and adds design plans for 5 sediment ponds, a sump and a diversion.

This permit contains federal coal under Lease NDM 91535, and this revision adds plans to mine federal coal located in the north portion of the permit, namely in the E1/2 of Section 4, N1/2 of Section 10 and all of Section 14, T145N, R88W, Mercer County. This will require the approval of a mine plan modification by the Secretary of the Interior. We understand that Coteau submitted a modified Resource Recovery and Protection Plan (R2P2) for Lease NDM 91535 on February 14, 2014. The federal coal in the southern portion of the permit was previously approved for mining.

We would appreciate any comments on the revision application by December 15, 2014. If you have any questions, please contact this office.

Sincerely,

  
James R. Deutsch  
Director  
Reclamation Division

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October 28, 2014

Mr. Bob Postle, Chief  
Program Support Division  
Office of Surface Mining  
Western Regional Coordinating Center  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050

Dear Mr. Postle:

Enclosed is a DVD containing the application for Revision No. 18 to Coteau Property Company's Surface Coal Mining Permit NACT-0201. This revision adds detailed mining and reclamation plans for the northern portion of the permit area (including mining plans for additional leased federal coal) and revises the mining and reclamation plans for the southern portion of the permit area including a 16-year temporary cessation of mining for a portion of this area. Baseline environmental resource information was updated with this revision and 119.75 acres of undisturbed land currently in Permit NACT-9001 is being added to this permit. This revision also modifies the post-mining topography and post-mining land uses, and adds design plans for 5 sediment ponds, a sump and a diversion.

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We would appreciate any comments on the revision application by December 15, 2014. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Deutsch".

James R. Deutsch  
Director  
Reclamation Division

Enclosure

CC: Ms. Lauren Mitchell, OSM, Program Support Division, Indian Programs Branch, 1999 Broadway, Suite 3320, Denver, CO 80202-3050



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October 28, 2014

Mr. Phillip Perlewitz, Chief  
Branch of Solid Minerals  
Bureau of Land Management  
5001 Southgate Dr.  
Billings, MT 59101

Dear Mr. Perlewitz

Enclosed is a DVD containing the application for Revision No. 18 to Coteau Property Company's Surface Coal Mining Permit NACT-0201. This revision adds detailed mining and reclamation plans for the northern portion of the permit area (including mining plans for additional leased federal coal) and revises the mining and reclamation plans for the southern portion of the permit area including a 16-year temporary cessation of mining for a portion of this area. Baseline environmental resource information was updated with this revision and 119.75 acres of undisturbed land currently in Permit NACT-9001 is being added to this permit. This revision also modifies the post-mining topography and post-mining land uses, and adds design plans for 5 sediment ponds, a sump and a diversion. .

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We would appreciate any comments on the revision application by December 15, 2014. If you have any questions, please contact this office.

Sincerely,

James R. Deutsch  
Director  
Reclamation Division

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October 28, 2014

Mr. Richard Rymerson  
Field Manager  
Bureau of Land Management  
ND Field Office  
99 23rd Avenue West Suite A  
Dickinson, ND 58601

Dear Mr. Rymerson:

Enclosed is a DVD containing the application for Revision No. 18 to Coteau Property Company's Surface Coal Mining Permit NACT-0201. This revision adds detailed mining and reclamation plans for the northern portion of the permit area (including mining plans for additional leased federal coal) and revises the mining and reclamation plans for the southern portion of the permit area including a 16-year temporary cessation of mining for a portion of this area. Baseline environmental resource information was updated with this revision and 119.75 acres of undisturbed land currently in Permit NACT-9001 is being added to this permit. This revision also modifies the post-mining topography and post-mining land uses, and adds design plans for 5 sediment ponds, a sump and a diversion.

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Sincerely,

James R. Deutsch  
Director  
Reclamation Division

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