



United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Western Region Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050



December 29, 2014

Mr. James R. Deutsch
Director, Reclamation Division,
North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480

Dear Mr. Deutsch:

This letter is in response to North Dakota Public Service Commission's (NDPSC) letter dated October 28, 2014 requesting the Office of Surface Mining Reclamation and Enforcement (OSMRE) review Revision 18 (REV 18) to Coteau Property Company's Coal Mining Permit NACT-0201. REV 18 will add a portion of Federal coal lease NDM91535 to the permit area. The coal is located in the E1/2 of Section 4, the N1/2 of Section 10, and all of Section 14, T145N, R88W, Mercer County, ND.

REV 18 was reviewed for compliance with applicable Archaeological, Historic, Fish and Wildlife, and Resource Recovery Acts, Regulations and Executive orders. OSMRE has the following comments:

1. Section 2.7.6.3 Table 3 contains waterfowl and shorebird data from 1990 to 2002. This data needs to be updated or discussion provided explaining why the data are still relevant.
2. Section 2.7-6-1 contains the list of rare plants. The data is dated 2002. This data needs to be updated or discussion provided explaining why the data are still relevant.
3. Section 2.8.1 lists Archaeological sites 32ME108 and 32ME1571 as being mitigated in 2014. OSMRE notes that item 57 of NDPSC's Technical Review dated December 11, 2014 addresses this concern by requesting the operator update the discussion.
4. Endangered Species information has not been updated. OSMRE notes that items 52 through 55 of NDPSC's Technical Review dated December 11, 2014 address this concern by requesting the operator update the discussion.

Please note the Environment Impact Statement (EIS) for lease NDM 91535 titled *Coteau Properties Company Federal Coal Lease by Application (NDM 91535) for West Mine Area, Freedom Mine, Mercer County, North Dakota EIS* was prepared in 2005. This EIS is no longer current and a tiered Environmental Assessment (EA) will need to be prepared to support the mining plan modification recommendation. Information contained in the permit application package and revision application will be used to prepare the EA.

If you have any questions please contact Lauren Mitchell at 303-293-5028 or lmitchell2@osmre.gov or Eugene Hay at 303-293-5036 or ghay@osmre.gov.

Sincerely,



Robert Postle, Manager
Program Support Division

CC: Jeff Fleischman, OSMRE, Casper Field Office