



Public Service Commission

State of North Dakota

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July 13, 2015

Mr. Kevin Shelley
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, North Dakota 58501-7926

Dear Mr. Shelley:

On November 6, 2014, the Public Service Commission provided your office with a Notice of Receipt of Revision Application No. 18 to Surface Coal Mining Permit NACT-0201 at the Freedom Mine. However, we did not send your office an actual copy of the revision application. A DVD copy of this revision application is included for your review. This revision involves a mine plan modification that includes mining of leased federal coal located in the northern part of the permit area, specifically federal coal tracts located in the E1/2 of Section 4, N1/2 of Section 10 and Section 14 of T145N, R88W. The surface of these tracts is privately owned.

Section 2.7 of the permit contains Wildlife Resource information and Sections 2.4 and 4.1 contain the Pre- and Postmining Land Use information, respectively. Please review the revision application and provide us with any comments by August 17, 2015. We are particularly interested in finding out if your office believes any additional protective measures are needed for the Northern Long Eared Bat (NLEB). On page 5 of Section 2.7.3 of the permit, Coteau states they will not be removing mixed deciduous woodland or abandoned buildings that could provide maternity habitat for the NLEB during the June 1 to July 31 maternity time period.

Also, we will need to make a finding regarding Threatened and Endangered species prior to revision approval and we will be asking your office for written concurrence with our proposed finding. Therefore, please let us know at this time if your office believes additional protective measures are needed for the NLEB, or any other T&E species.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Enclosure: DVD