



Public Service Commission

State of North Dakota

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December 1, 2015

Troy J. Leingang
Environmental Manager
Coteau Properties Company
204 County Road 15
Beulah, ND 58523-9475

Dear Mr. Leingang:

The Reclamation Division has conducted a completeness review of the applications for Revision No. 28 and Renewal No. 5 for Permit NACT-9001 at the Freedom Mine. The following items must be adequately addressed before the applications can be deemed complete and approval is granted to begin publication of the permit revision and renewal newspaper notice.

Revision No. 28 Application (SFN 10562)

1. Please revise page 1 of the revision application form as follows: (WTG/GAW)
 - a. Please remove the current permit acreages and locations listed on the revision application form and replace them with the exact acreage (119.7526 acres) prefaced with a minus sign and the acreage location that is being deleted from Permit NACT-9001 with Revision No. 28 following the acreage addition to Permit NACT-0201 with the October 21, 2015 approval of Revision No. 18.
 - b. Please revise the revision description to list the exact acreage (119.7526 acres) that is being deleted from Permit NACT-9001 with Revision No. 28 following the acreage addition to Permit NACT-0201 with the October 21, 2015 approval of Revision No. 18.
2. As required by permit revision application form SFN 10562, please provide a metes and bounds description and accompanying map of the acreage that is being deleted from Permit NACT-9001 with Revision No. 28. A metes and bounds description of the deletion acreage is necessary because it must be attached to the approval for Revision No. 28 to Permit NACT-9001. (WTG/FSE/GAW)

Renewal No. 5 Application (SFN 10566)

3. As required by NDAC 69-05.2-11-03(5)(b), (d), and (e), as well as permit renewal application form SFN 10566, please provide an attachment to the permit renewal application that describes the reason(s) for requesting the renewal and provides statements evidencing that the bond is

sufficient and will continue in full force for the renewal period and also that liability insurance will be provided for the renewal period. (WTG/GAW)

Newspaper Notice

4. Please revise the first sentence of the newspaper notice to include Revision No. 28 for the applications filed, and correct the permit renewal number to describe Renewal No. 5. You may recall that our October 15, 2015 pre-renewal review letter for NACT-9001 stated that the revision application associated with the application for Renewal No. 5 would likely be considered an insignificant revision because coal removal has been completed in this permit area. At the time, however, we were unaware that Coteau intended to delete the 119.7526 acres from Permit NACT-9001 with Revision No. 28 following the acreage addition to Permit NACT-0201 with the October 21, 2015 approval of Revision No. 18. We have determined that Revision No. 28 will be considered a significant revision to Permit NACT-9001 because it is associated with the permit renewal and the revision requires Commission approval for the acreage deletion. (JRD)
5. Please insert a sentence in the first paragraph of the newspaper notice stating that Revision No. 28 updates the permit for the next five-year permit term and deletes 119.7526 acres in Section 11, T145, R88W from the permit following the addition of this acreage to Permit NACT-0201 with the October 21, 2015 approval of Revision No. 18. (WTG/GAW)
6. Please remove the reference to the current permit area in the first paragraph of the newspaper notice and add a reference to the permit area following the acreage deletion. (WTG)
7. Please correct the Renewal No. 5 permit term to be from April 16, 2016 to April 16, 2021 in the first paragraph of the newspaper notice. (WTG/GAW)
8. Please remove the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11 parcel description for Tract 9 from the newspaper notice because the parcel is being deleted from Permit NACT-9001 with Revision No. 28 and the renewal will not apply to that tract. (WTG/GAW)
9. Please revise the public inspection paragraph of the newspaper notice to describe the applications for Revision No. 28 and Renewal No. 5. (WTG)
10. Please revise the newspaper notice map title to describe Revision No. 28 and Renewal No. 5. (WTG)

Please contact this office if you have any questions.

Sincerely,



James R. Deutsch
Director
Reclamation Division