

PUBLIC SERVICE COMMISSION

Reclamation Division

Memorandum

TO: Commissioners Kroshus, Fedorchak and Christmann
Steve Kahl, Interim Executive Secretary
Illona Jeffcoat-Sacco, John Schuh

FROM: *DKM* *ZAB* *BB*
Dean Moos, Zanna Brinkman and Bruce Beechie

DATE: April 3, 2019

SUBJECT: Application for Revision No. 22 to Permit No. NACT-0201 held by the Coteau Properties Company, Case No. RC-18-394

On November 20, 2018, The Coteau Properties Company filed the application for Revision No. 22 to Surface Coal Mining Permit No. NACT-0201. This revision identifies the next five year coal removal areas and addresses items that were identified as requiring updating or modification by the Reclamation Division during a pre-renewal review of the permit. This revision updates introductory information, legal information, business entity/compliance information, identification of interests and rights of entry, geology, surface water hydrology and management, soil resources, operations plans, post-mining land use plans, revegetation establishment and management procedures, post-mining wetlands, post-mining stock ponds and provides updates to the Consolidated Blasting Plan. The Reclamation Division has completed its review of this revision application and respectfully recommends it be approved.

Coteau applied for this revision and the corresponding Renewal No. 3 to this permit since mining is scheduled to continue in the existing permit area until 2045 as shown on the extended mining plan map in the permit. The surface and coal ownership information for the permit and adjacent area, and related lease information was updated as necessary. The Pit Layout and Facilities Map was revised to show coal removal subareas through the next permit term and the coal production schedule was updated accordingly. Minor updates were made to the surface water probable hydrologic consequences section of the permit. The construction and reclamation schedule of sedimentation ponds was updated as were several ground water hydrographs and potentiometric surface maps utilizing recently collected data. Operations plan updates describe the construction of sumps above wooded draws to minimize the removal of trees and impacts to wildlife habitat. Updates to soil handling and respread depths are provided in the permit and clarification of cultural resource information is also addressed. Post-mining land use plans were updated to describe soil respread and compaction testing being conducted by NDSU in the permit area.

This revision was considered a significant revision application and was subject to the public notice requirements. Coteau has submitted affidavits of publication of the newspaper notices. We notified the appropriate agencies, affected landowners and the advisory committee members. We received no comments or objections to this revision application. Adequate performance bond is currently in effect for the mine-wide Consolidated Bonding Plan which was updated in 2017. This and other permits at the Freedom Mine are covered by self and collateral bonds totaling \$146,000,000.

Attached for your consideration are the proposed motion, revision approval form, and revision approval notice that we will publish in the appropriate newspapers.