



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

May 14, 2018

Ms. Sarah Flath
Environmental Manager
Coteau Properties Company
204 County Rd. 15
Beulah, ND 58523

Dear Ms. Flath:

The purpose of this letter is to request additional information regarding the diversion that was constructed in the NW $\frac{1}{4}$ of Section of 34, T146N, R88W on property owned by the Eisenbeis family. Please provide a response to each of the following questions or requests for additional information in a timely manner.

1. What was the condition of the pre-existing north/south diversion between the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 34 and the pre-existing road ditch on the south side of the road between the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 prior to reconstruction? Were these features in functional condition and capable of handling the flows from the premine watershed?
2. Was the original diversion capable of handling the flows from the upstream areas during and following mining and reclamation activities?
3. Is there evidence that the original diversion overtopped during mining and reclamation (i.e., prior to being reconstructed)?
4. Please explain why the diversion and road ditch were reconstructed.
5. Permit NACT-9501 includes design information for the two permanent grassed waterways that were constructed below sedimentation ponds P-H34-04 and P-H34-05 in the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 34. Was the rebuilt diversion and road ditch designed and reconstructed to handle the combined flows from these two grassed waterways?
6. Are the assumptions and conditions used in the Probable Hydrologic Consequences still valid and applicable? If not, what changes have occurred?
7. How many times has the rebuilt diversion overtopped since being rebuilt and under what circumstances did it overtop?

Ms. Sarah Flath
May 14, 2018
Page 2 of 2

The Reclamation Division encourages Coteau to work with the Eisenbeis family to address their concerns regarding access to their property.

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos
Director
Reclamation Division

cc: Clyde Eisenbeis
Chris Friesz

Minedata/Freedom/Permits/NACT-9501/AdminCorr/2018/Sec34_Diversion_info_rqst_ltr_5-14-18