



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

Sent via email only

April 20, 2021

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

Ms. Sarah Flath
Environmental Manager
Coteau Properties Company
204 County Rd. 15
Beulah, ND 58523
sarah.flath@nacoal.com

Dear Ms. Flath:


The Reclamation Division has reviewed Coteau's February 10, 2021 request for a variance from the 10-year revegetation responsibility period for 4.9 acres in Section 16 of Permit NACT-9501. Please revise the variance request to address the issues listed below.

1. Please revise the 5th paragraph to reflect that the variance area is approximately 9% of the disturbed acres or state that it is 8.82% (PJR)
2. Please clarify if coal was removed from the variance area and state when coal removal was completed in the surrounding reclamation tract. (PJR)
3. Please depict the entire watershed of the area draining through the proposed variance area on the Topographic Map and include post-mining contour elevation lines on the entire watershed as required by Policy Memorandum No. 20. (GAW)
4. Please provide additional information for the repair work necessary to correct erosion in the drainages within the variance areas to demonstrate that the repair work in the drainages does not exceed 0.5 acres and will only involve bringing in small amounts of material to repair the erosion. (JAR)

Erosional features were observed in two drainages in the variance request area during a March 23, 2021 inspection and a piping feature was observed on a slope between the drainages. These features will need to be repaired prior to this office recommending Commission approval.

If you have any questions, please contact this office.

Sincerely,


Dean K. Moos
Director
Reclamation

cc via email only: Amanda Hoffer (amanda.hoffer@nacoal.com)
Kayla Torgerson (Kayla.Torgerson@nacoal.com)

Freedom Mine\Permits\NACT - 9501\Variences\2_18_21_Variance-Reques\1st_Submittal_2-18-21\Tech_1_Rvw_Ltr_4-20-21

2 RC-21-90 Filed 04/20/2021 Pages: 1
First technical review letter
Public Service Commission
Guy Welch