



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

sent via regular mail

March 10, 2022

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
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Phone: 701-328-2400
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Mr. David Glatt, P.E.
Director
North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, ND 58503
dglatt@nd.gov

Dear Mr. Glatt:

The Coteau Properties Company has filed an application for Revision No. 37 to Permit NACT-9101 at the Freedom Mine to revise the permit for the next five-year permit term, June 30, 2022 through June 30, 2027. The revision application makes routine updates throughout the permit in response to our pre-renewal permit review.

A thumb drive of the permit revision application is enclosed for your agency's evaluation as an Advisory Committee member as required by NDAC 69-05.2-11-02(5)(b). A permit table of contents is accessible from the home page. Please refer to pages 102 and 103 of Section 1.1.2, Revision Summary Pages and Instructions Lists, for a brief description of the changes proposed with the revision and a list of the Revision No. 37 changes.

Revision No. 37 proposes to retain sediment pond P-D10-01 and convert it into a fish and wildlife habitat wetland in accordance with the surface owner's request. Calculations showing the current drop inlet spillway has capacity to safely pass a 50-year 6-hour storm event are provided in Section 3.6.27a.

Please review the revision application with regards to your agency's areas of responsibility and technical expertise, and for compliance with NDAC 69-05.2-16-02. Please provide any revision application review comments by April 25, 2022.

Please contact us with any questions.

Sincerely,

Zanna A. Brinkman
Director
Reclamation Division

Enclosure

Freedom Mine\Permits\NACT - 9101\Revisions\No. 37 & Renewal 6\Rev37_Advsry_rvw_rqst_ltr_3-10-22



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Mr. John Paczkowski, P.E.
Interim State Engineer
North Dakota Department of Water Resources
900 East Boulevard Ave
Dept 770
Bismarck, ND 58505-0850
jpaczkowski@nd.gov

Dear Mr. Paczkowski:

The Coteau Properties Company has filed an application for Revision No. 37 to Permit NACT-9101 at the Freedom Mine to revise the permit for the next five-year permit term, June 30, 2022 through June 30, 2027. The revision application makes routine updates throughout the permit in response to our pre-renewal permit review.

A thumb drive of the permit revision application is enclosed for your agency's evaluation as an Advisory Committee member as required by NDAC 69-05.2-11-02(5)(b). A permit table of contents is accessible from the home page. Please refer to pages 102 and 103 of Section 1.1.2, Revision Summary Pages and Instructions Lists, for a brief description of the changes proposed with the revision and a list of the Revision No. 37 changes.

Revision No. 37 proposes to retain sediment pond P-D10-01 and convert it into a fish and wildlife habitat wetland in accordance with the surface owner's request. Calculations showing the current drop inlet spillway has capacity to safely pass a 50-year 6-hour storm event are provided in Section 3.6.27a.

Please review the revision application with regards to your agency's areas of responsibility and technical expertise, and for compliance with NDAC 69-05.2-16-03. Please provide any revision application review comments by April 25, 2022.

Please contact us with any questions.

Sincerely,

Zanna A. Brinkman
Director
Reclamation Division

Enclosure

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Mr. Drew Becker
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, ND 58501-7926

Dear Mr. Becker:

The Reclamation Division has received Renewal Application No. 6 and Revision No. 37 from the Coteau Properties Company for Surface Coal Mining Permit NACT-9101 at the Freedom Mine located north of Beulah, ND. Revision No. 37 updates the permit for the next five-year renewal period, June 30, 2022, through June 30, 2027. A thumb drive of the revised permit application is enclosed for your review.

Please review Revision No. 37 and provide us with comments by April 25, 2022. A permit table of contents is accessible from the home page. Please refer to pages 102 and 103 of Section 1.1.2, Revision Summary Pages and Instructions Lists, for a brief description of the changes proposed with the revision and a list of the Revision No. 37 changes. All changes are highlighted and displayed in underline and strike-through format. The fish and wildlife protection and enhancement plan is located in Section 2.7.7 of the permit.

The Pit Layout and Facilities Map in Section 3.1.6 of the permit indicates that coal removal is planned on approximately 225 acres of land in Sections 1, 2, 12 and 13 of T145N, R87W during next 5-year permit term. To aid you with your review, the coal removal areas during the next permit term have been outlined in yellow on Figure 1. The acreage where coal removal is planned was native grassland and cropland when permitted in 1991, according to the Pre-Mine Land Use and Vegetation Map in Section 2.4.12 of the permit.

The Reclamation Division is planning to find that surface coal mining activities planned during the next term of the permit will not jeopardize or adversely affect the continued existence of any currently listed threatened or endangered species or species proposed for listing, or any proposed or designated critical habitat.

If you have any questions, please contact this office.

Sincerely,

Zanna A. Brinkman
Director
Reclamation Division

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Freedom Mine\Permits\NACT - 9101\Revisions\No. 37 & Renewal 6\Rev37_Advsry_rvw_rqst_ltr_3-10-22

Figure 1: Surface Coal Mining Permit NACT-9101

