



# Public Service Commission

## State of North Dakota

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May 13, 2022

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Mr. Marcello Calle  
Office of Surface Mining  
P.O. Box 25065  
Lakewood, CO 80225-0065

Dear Mr. Calle:

This letter is to request OSMRE's determination whether Revision 37 and Renewal 6 to Permit NACT-9101 at the Freedom Mine constitutes a mining plan modification. The permit expires June 30, 2022, and a timely review would be greatly appreciated.

Revision 37 updates the permit for the next permit term and Renewal 6 will renew the permit for another 5-year term until June 30, 2027. The permit does contain federal coal as shown on the attached map; however, the surface is privately owned and only the coal is federal. The federal coal tract in E1/2NW1/4 of Section 2-145-87 has been mined out and the tract has been backfilled. The federal coal tract in the NW1/4 of Section 6-145-86 was not mined and the federal coal lease was terminated. The federal coal tracts in Section 8-145-86 and in the NE1/4 of Section 18-145-86 have been mined out, the coal leases have been terminated, and the tracts are in reclamation status.

The Reclamation Division does not believe the revision constitutes a mine plan modification because no changes to mining or reclamation operations were proposed. The revision updates the metes and bounds description to reflect changes to the permit boundary due to approval of Final Bond Release No. 8. The legal information, surface and coal ownerships were updated. Operations plans were updated to reflect the new farmer access road corridor, and actual coal production values. The permit boundary on the Pit Layout and Facilities Map, Extended Mine Plan Map, Surface Water Management Plan Map, and Post-Mining Land Use Map were revised due to approval of Final Bond Release No. 8. A landowner preference statement was added that requests to retain sedimentation pond P-D10-01 in its current state as a permanent wildlife enhancement area. The revision does not propose any changes to the location or amount of coal to be mined, or any change which would extend coal mining and reclamation operations onto leased Federal coal lands for the first time.

Sincerely,

Zanna A. Brinkman  
Director  
Reclamation Division

cc: Elizabeth Schaeffer  
Erica Trent  
Charlie Kwak

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Letter to OSM regarding Determination Request - electronic only  
Public Service Commission  
Zanna Brinkman

