

Emmer, Jonathan W.

From: Trent, Erica L <etrent@osmre.gov>
Sent: Wednesday, September 27, 2023 5:39 PM
To: Brinkman, Zanna A.; Shaeffer, Elizabeth A; Emmer, Jonathan W.
Subject: Re: [EXTERNAL] RE: Quick question RE Rev 43

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OSMRE concurs, Rev 43 does not constitute a Mine Plan Decision Document.

Erica Trent

Erica Trent, Natural Resources Specialist
Office of Surface Mining Reclamation and Enforcement
Interior Regions 5 & 7-11
P.O. Box 25065
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C: (253) 380-3525

From: Brinkman, Zanna A. <zbrinkman@nd.gov>
Sent: Wednesday, September 27, 2023 3:39 PM
To: Trent, Erica L <etrent@osmre.gov>
Subject: [EXTERNAL] RE: Quick question RE Rev 43

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Correct. The surface is privately owned.

Zanna Brinkman

*Director Reclamation & AML Divisions
ND Public Service Commission
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(701) 328-3403
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From: Trent, Erica L <etrent@osmre.gov>
Sent: Wednesday, September 27, 2023 4:36 PM
To: Brinkman, Zanna A. <zbrinkman@nd.gov>
Cc: Emmer, Jonathan W. <jemmer@nd.gov>; Shaeffer, Elizabeth A <eshaeffer@osmre.gov>
Subject: Quick question RE Rev 43

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Zanna,

For clarification, Revision 43 does not purpose to change any Post Land Mine Use on Federal Land correct?

Revision 43 to Permit BNCR-9702 – Center Mine – updates the permit in response to our midterm review. The revision updates the legal and financial sections, the extended mine plan, the ground and surface water sections, the operations plan, the transportation plan, the surface water management plan, the reclamation schedule, **the post mining land use**, the fish and wildlife sections, and the worst-case bond information in response to a midterm review. The revision does not propose any changes to mining of the federal coal in Section 20 and mine plan approval for Revision 42 was signed on 7/26/2023 by Laura Daniel Davis.

Revision 18 to Permit BNCR-9401 – Center Mine – updates the permit in response to our midterm review. The revision updates various sections of the permit including Section 4.6 (Surface Water Management Plan) and adds design plans for Ash Cell 5 in Appendix 4.1-3. No changes to the mining plan for the federal coal in Section 8 are proposed. Mine plan approval to mine the federal coal in Section 8 (Revision 17) was signed in May 2023. The revision does not appear to meet the criteria of CFR 746.18 and therefore would not need mine plan approval. Do you concur? **OSMRE concurs, this action does not constitute a Mine Plan Decision Document.**

Revision 35 to Permit NAFK-9503 – Falkirk Mine – Case No. RC-23-217 - Revision has been deemed Significant. Revision 35 deletes 159.6 acres of undisturbed land from the permit in the SW¼ of Section 32, T145N, R83W, revises the post-mining topography, and updates other sections of the permit including legal, surface water, operations, reclamation plans and schedules, post-mining land use, revegetation, and wetlands sections. Currently there is no federally owned surface or leased federal coal within Permit NAFK-9503 and this revision does not add plans to mine any federal coal. The revision does not meet the criteria of CFR 746.18 and therefore would not need mine plan approval. Do you concur? **The OSMRE concurs, this action does not constitute a Mine Plan Decision Document.**

Revision 51 to Permit NACT-0401 – Freedom Mine – updates the summary pages, legal information, business entity/compliance information, identification of interests and rights of entry, operations - general, surface water management, the post-mining land use and revegetation for midterm review of this permit. There is no leased federal coal, or federally owned surface in this permit. The revision does not meet the criteria of CFR 746.18 and therefore would not need mine plan approval. Do you concur? **The OSMRE concurs, this action does not constitute a Mine Plan Decision Document.**

Revision 33 to Permit KRSB-8802 – Beulah Mine – updates the permit in response to our midterm review. Coal removal is complete in this permit and only reclamation activities are occurring. There was federal coal in the permit, but no federally owned surface. I do not believe this revision meets the criteria of CFR 746.18 and does not need mine plan approval. Do you concur? **The OSMRE concurs, this action does not constitute a Mine Plan Decision Document.**

Revision 35 to Permit KRSB-8603 – Beulah Mine — updates the reclamation time schedule, the certified leases and agreements, and water management plan. Coal removal is complete in this permit and only reclamation activities are occurring. There was federal coal in the permit, but no federally owned surface. I do not believe this revision meets the criteria of CFR 746.18 and does not need mine plan approval. Do you concur? **The OSMRE concurs, this action does not constitute a Mine Plan Decision Document.**

Erica Trent

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