



# Public Service Commission

## State of North Dakota

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*sent via email only*

March 26, 2024

Mr. Michael Berg  
Environmental Supervisor  
Coteau Properties Company  
204 County Rd. 15  
Beulah, ND 58523-9475  
[michael.berg@nacoal.com](mailto:michael.berg@nacoal.com)

Dear Mr. Berg:

The Reclamation Division has conducted a completeness review of the application for Revision No. 29 to Surface Coal Mining Permit NACT-0201 for the Freedom Mine. Revision No. 29 has been determined to be a significant revision to the permit and is therefore subject to the public notice requirements. The following items must be adequately addressed before the application can be deemed complete and approval is granted to begin publication of the newspaper notice for the permit revision.

### **General**

1. Revision No. 29 includes proposed changes to the approved post-mining topography that will increase the acreage of watersheds conveying surface water runoff northward to Lake Sakakawea. The Reclamation Division will be hesitant in recommending Commission approval of any changes that propose to increase the peak discharge and runoff volume flowing northward to Lake Sakakawea. Please revise Section 4.1.2 (Post-Mining Topography and Land Use Map), Section 3.1.5 (Post-Mining Area Slope Map), and the changes proposed in Section 2.2 (Surface Water Hydrology) to address this issue. (GAW/PRJ/SMN)

### **Section 1.1 – Introductory Information**

2. Please fix the bookmark for Revision No. 29 in Section 1.1.2 (Revision Summary Pages). (PJR)

### **Section 1.2 – Legal Information**

3. Please update Section 1.2.6 (Certificate of Liability Insurance) with the current certificate of liability insurance and the correct endorsements. (PJR)
4. Please revise the heading of Section 1.2.5.16 (Newspaper Publication Notice – Revision 29) to read: Notice of Filing a Permit Revision to Conduct Surface Coal Mining and Reclamation Operations. (JAR)

5. Please review the name and address in the last sentence of Section 1.2.5.16 (Newspaper Publication Notice – Revision 29) to ensure it is displayed as intended. (GAW)

**Section 1.4 – Surface Owner Protection Act Compliance Information**

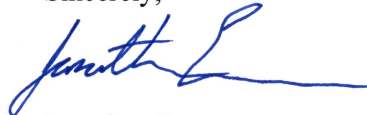
6. Please include a surface owner notification map and letters under Section 1.4 (Surface Owner Protection Act Compliance Information) for all affected landowners and all adjacent owners of any affected drainageways (streams, etc.) due to the changes in topography and the post-mining hydrologic consequences. (PJR)

**Section 1.5 – Identification of Interests and Rights of Entry**

7. Section 1.5.3 (Surface and Coal Ownership Map) appears to be an outdated version that is inconsistent with the surface and coal ownership listings provided in the public notice for Revision No. 29. Please include an up-to-date version of Section 1.5.3 in the Revision No. 29 permit application. (GAW/JAR)
8. The Certificate of Authenticity of Documents and Summary of Changes from Previous Information in Section 1.5 (Identification of Interests and Rights of Entry) appears to be outdated. Please update the Certificate of Authenticity of Documents and the Summary of Changes from Previous Information in Section 1.5 (Identification of Interests and Rights of Entry) to the most current version submitted with Revision No. 28. (JAR)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer  
Director  
Reclamation Division

cc via email only: Joe Spiekermeier (joe.spiekermeier@nacoal.com)  
Mark Wallen (mark.wall@nacoal.com)  
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