

April 10, 2024

Mr. Jonathan Emmer
Director Reclamation
Division Public Service
Commission 600 East
Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

Dear Mr. Emmer:

Revision 29 to Permit NACT-0201 has been uploaded to Permit Services. Deficiencies listed in your March 26, 2024, letter have been addressed, with responses listed below. All changes have been tracked in track changes and highlighted in yellow.

General

- 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)*

Changes were made to the post mining topography to reduce the acreage flowing into the Lake Sakakawea watershed. With this change the overall watershed acreage was decreased 15 acres from the pre mining state. The increase in runoff volume is due to land use adjustment in the LS-01 watershed. In the pre-mine state, the land use was stated as cropland(hayland) where in the post mining state it is cropland(small grains). If this is modeled as cropland(hayland) runoff volume is actually decreased from the pre-mine state. This is discussed in detail in Section 2-2-4 for LS-01 watershed. Per discussion with Mr. Guy Welch, the Post-Mining Topography Map and Hydrological Consequences were updated at this time. The remaining maps will be updated pending final review of the topography.

Section 1.1 – Introductory Information

Freedom Mine – Coteau Properties Company

204 County Road 15

Beulah, ND 58523

P: 701.873.2281

NACoal.com

Coteau Properties Company, a subsidiary company of The North American Coal Corporation

4 RC-24-82 Filed 04/10/2024 Pages: 4
Revision 29 Completeness Response Letter
Coteau Properties Company
Mark Wallen

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

The bookmark for Revision No. 29 has been fixed as requested.

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)*

Section 1.2.6 (Certificate of Liability Insurance) has been updated with the most current version from Revision 28.

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)*

The heading of Section 1.2.5.16 (Newspaper Publication Notice – Revision 29) has been updated as requested.

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)*

The name and address in the last sentence of Section 1.2.5.16 (Newspaper Publication Notice – Revision 29) has been reviewed and updated to display more appropriately.

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)*

After revising Section 4.1.2 (Post-Mining Topography and Land Use Map) the Lake Sakakawea watershed acreage was reduced. The narrative in Section 2.2.4 (Surface Water Probable Hydrologic Consequences) was updated accordingly to describe this change. After a conversation with Mr. Preston Ripplinger concerning the updates, it was noted that notification is no longer required.

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)*

Section 1.5.3 (Surface and Coal Ownership Map) has been updated with the most current version which was updated with Revision 28.

- 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)*

The Certificate of Authenticity of Documents and Summary of Changes from Previous Information in Section 1.5 (Identification of Interests and Rights of Entry) has been updated to the most current version submitted with Revision 28.

The remainder of Section 1.5 has also been reviewed and updated with the most current information from Revision 28 which includes Sections, 1.5.1, 1.5.2, and 1.5.3. These updates are not shown in track changes, but are from the clean copy version that was submitted/mailed on March 28, 2024 and to be approved on April 10, 2024.

Mr. Jonathan Emmer
April 10, 2024
Page 4 of 4

If you have any questions, please contact this office.

Sincerely,

THE COTEAU PROPERTIES COMPANY

/s/

Mark Wallen
Environmental Specialist

MAW
Enc.

Uploaded via Permit Services