

June 5, 2024

Steve Kahl
Executive Director
Public Service Commission
600 East Boulevard Ave., Dept 408
Bismarck, ND 58505

Dear Mr. Kahl:

This is in response to your request for a review of the environmental impacts associated with the Case No. RC-24-082 – Coteau Properties Company, Revision 29, Permit NACT-0201 Application for Freedom Mine.

The proposed project has been reviewed by Department of Water Resources (DWR), and the following comments are provided:

- There are no FEMA National Flood Insurance Program (NFIP) floodplains identified or mapped where the proposed project is to take place. No permits relative to the NFIP are likely required based on the current Flood Insurance Rate Map and State minimum standards. However, flood risk has been identified through the North Dakota Risk Assessment Mapservice and Base Level Engineering (BLE) (ndram.dwr.nd.gov). In the absence of FEMA NFIP data, BLE is often considered best available data and is recommended to be considered in the design process. The State of North Dakota has no formal NFIP permitting authority as all NFIP permitting decisions are considered by impacted NFIP participating communities, the community with zoning authority for the area in question. Please work directly with the local floodplain administrators of the zoning authorities impacted.

- In accordance with North Dakota Century Code §61-16.1-38, any new construction of or construction modifications to dams, ponds or other devices that retain water, may require a construction permit from the DWR based on the storage volume and hazard classification of the structure. Please contact the DWR Regulatory Division at 701-328-4956 if you have any questions.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or kyrkoski@nd.gov

Sincerely,



Kyle Yrkoski
Planner III

KY:dm/1570