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June 26, 2024

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Jonathan Emmer  
Reclamation Division  
Public Service Commission  
600 East Boulevard Ave, 408  
Bismarck, ND 58505

NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Dear Mr. Emmer:

This is in response to your request for a review of the environmental impacts associated with the Revision No. 29 to Surface Coal Mining Permit NACT-0201 held by the Coteau Properties Company for the 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](http://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.

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](mailto:kyrkoski@nd.gov)

Sincerely,



Kyle Yrkoski  
Planner III

KY:dm/1570