

Public Service Commission

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sent via email only

March 12, 2025

Mr. Michael Berg
Environmental Manager
Coteau Properties Company
204 County Rd. 15
Beulah, ND 58523-9475
michael.berg@nacoal.com

Dear Mr. Berg:

The Reclamation Division has conducted a completeness review of the applications for Revision 52 and Renewal 4 to Surface Coal Mining Permit NACT-0401 for the Freedom Mine. This revision is in response to the Reclamation Division’s pre-renewal review letter for Permit NACT-0401 dated January 3, 2025. Revision 52 has been determined to be a significant revision to the permit and is therefore subject to the public notice, hearing, and procedural 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 and renewal.

Section 1.1.2 - Revision Summary Changes

1. Section 1.2.9 (Mercer County Section Line Right-of-Way Closure and Setback Waiver Documents) appears to be incorrectly identified as Section 1.2.7.9 in Section 1.1.2 (Revision Summary Pages). (AAC/PJR)
2. Updates were made to Section 3.2 (Transportation Facilities) and Section 4.4 (Post-Mining Wetlands); however, it appears that the narrative in the first paragraph of subsection Revision 52 in Section 1.1.2 (Revision Summary Pages) does not mention the changes to these sections. Please revise the narrative in Section 1.1.2 to include updates for transportation facilities and post-mining wetlands. (WWS/AAC/PJR)

Section 1.2.5.10 – Newspaper Publication Notice – Revision 52/Renewal #4

3. Please remove the narrative regarding changes to the post-mining probable hydrologic consequences, cultural resources, and post-mining stockponds from the second paragraph of Section 1.2.5.10 (Newspaper Publication Notice – Revision 52/Renewal #4) since changes to these sections of the permit due not appear to have made with Revision 52 and Renewal 4. (WWS/PJR)
4. Tract 29 in Section 1.2.5.10 (Newspaper Publication Notice – Revision 52/Renewal #4) identifies Judy Jean Willman under coal ownership. However, Justine J. Willman is identified under coal ownership for Tract 29 in Section 1.5.1 (Permit Area Surface and Coal Ownership). Please review

the coal ownership discrepancy for Tract 29 and make any necessary changes to Section 1.2.5.10 and/or Section 1.5.1. (JAR)

Section 1.3.5 – Other Licenses and Permits

5. The footer for Section 1.3.5 (Other Licenses and Permits) incorrectly references Revision 38, February 2025. Please update the footer in Section 1.3.5 to reference the correct revision number and date. (AAC)
6. Item #7 in Section 1.3.5 (Other Licenses and Permits) lists an outdated address for the North Dakota Department of Environmental Quality – Division of Waste Management for the Permit for Solid Waste Management Facility – 0343. Please update the address to 4201 Normandy Street, Bismarck, North Dakota 58503-1324. (AAC/JAR)

Section 1.5.2 – Adjacent Surface and Coal Ownership and Leasehold Information

7. Section 4: Lot 3 of Township 145 North, Range 87 West in Section 1.5.2 (Adjacent Surface and Coal Ownership and Leasehold Information) appears to have an incorrect location reference. Please revise the location reference of this tract to the “E½NW¼” to accurately reflect its location depicted in Section 1.5.3 (Surface and Coal Ownership Map). (WWS)

Section 3.1.1.2 – Mining Methods Narrative

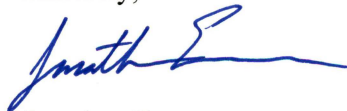
8. The Final Highwall Reclamation subsection on page 3 of Section 3.1.1.2 (Mining Methods Narrative) was removed. This narrative should be retained, although it is understood that edits may need to be made to reflect current mining plans. (PJR/SMN)

Section 3.1.1.3 – Reclamation Procedures and Schedule

9. Please update the Projected Reclamation Time Schedule table on page two of Section 3.1.1.3 (Reclamation Procedures and Schedule) to include all the years of the next permit term. (AAC)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

cc via email only: Mark Wallen (mark.wall@nacoal.com)