



Public Service Commission

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May 16, 2025

Mr. Michael Berg
Environmental Manager
Coteau Properties Company
204 County Rd. 15
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Dear Mr. Berg:

The Reclamation Division has conducted a technical review of the application for Revision No. 52 to Surface Coal Mining Permit NACT-0401 for the Freedom Mine. The following items must be adequately addressed prior to Commission approval of Revision No. 52 and corresponding Renewal No. 4. Permit NACT-0401 expire September 26, 2025, so please respond in a timely manner.

Section 1.2.6 – Certificate of Liability Insurance

1. The Certificate of Liability Insurance expired on May 1, 2025. Please update Section 1.2.6 (Certificate of Liability Insurance) with the current Certificate of Liability Insurance. (JAR/AAC)

Section 1.3 – Business Entity/Compliance Information

2. The Revision 52 summary in Section 1.1.2 (Revision Summary Pages) states that page 1 of Section 1.3.1 (Ownership and Control Information), Section 1.3.2 (Current Permits and Permit Applications), and Section 1.3.3 (Schedule of Violations) were updated but the date stamp at the bottom of these pages indicates they were last revised with Revision 42 in March of 2020. Please update these date stamps to reference Revision 52 if the associated information was reviewed and updated. (GAW/JAR/AAC)

Section 1.5.1 – Identification of Interests and Rights of Entry

3. The footer for Section 1.5.1 (Identification of Interests and Rights of Entry) indicates the last change to ownership information was Revision 51 in June of 2023. Please update the footer to reflect that changes were made with Revision 52. (AAC)

Section 3.1.3 – Pit Layout and Facilities Map

4. Section 3.1.3 (Pit Layout and Facilities Map) depicts mining on unleased federal coal in the NW¼ of Section 6 in Permit NACT-9101. Please update Section 3.1.3 to not show mining (pits) on unleased federal coal. (GAW)

5. Please add federal coal tracts to the map and legend in Section 3.1.3 (Pit Layout and Facilities Map) in a similar manner to the pit layout and facilities maps of Permits NACT-0201 and NACT-9101. (GAW/MLJ)
6. Section 3.1.3 (Pit Layout and Facilities Map) depicts a planned overburden stockpile on private property in the southwest corner of Section 25. Due to the uncertainty of the lifetime of this stockpile, please consider relocating this planned overburden stockpile to Coteau owned property that is beyond statutory section line rights-of-way. (GAW)
7. Section 3.1.3 (Pit Layout and Facilities Map) depicts a note adjacent to the future water management features and SPGM stockpiles in the S½SE¼ of Section 23 states that “prior to placement of SPGM stockpiles and construction of water management in this area Coteau will consult the Public Service Commission and evaluate placement of these stockpiles on regraded land.” Please consider evaluating the necessity of relocating a public road, constructing sediment pond P-N23-01, and placing SPGM stockpiles on this private property with pending Revision 52. (GAW)

Section 3.2.7 – Mine Area 2 – Far East Haulroad

8. The first paragraph of the narrative in Section 3.2.7 (Mine Area 2 – Far East Haulroad) states, “Construction of 1½ miles of this road is scheduled to be built in 2024.” Please update this narrative to state if this section of haulroad was completed in 2024, or update the new scheduled year it will be completed. (AAC)

Section 3.3.2 – Surface Water Management Plan Map

9. Section 3.3.2 (Surface Water Management Plan Map) depicts mining on unleased federal coal in the NW¼ of Section 6 in Permit NACT-9101. Please update Section 3.3.2 to not show mining (pits) on unleased federal coal. (GAW)
10. Please add federal coal tracts to the map and legend in Section 3.3.2 (Surface Water Management Plan Map) in a similar manner to the surface water management plan map of permit NACT-9101. (GAW/MLJ)
11. MSHA pond P-D15-03 in Permit NACT-9101 is used to treat surface water runoff from the southeastern portion of Permit NACT-0401 (within watershed P-D15-03). However, this water management feature is not clearly depicted in Section 3.3.2 (Surface Water Management Plan Map) of Permit NACT-0401. For clarification, please consider updating Section 3.3.2 of Permit NACT-0401 by including the portion of the surface water management plan map from Permit NACT-9101 that contains the surface water management structure used to treat surface water within that portion of the P-D15-03 watershed in Permit NACT-0401. (JAR)

Section 4.1.2 – Post-Mining Topography and Land Use Map

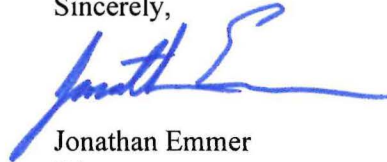
12. Please revise Section 4.1.2 (Post-Mining Topography and Land Use Map) to depict all constructed wetlands with shading as indicated in the legend. This would include constructed wetlands CW-N25-01, CW-N26-02, CW-N26-03, CW-N27-03, CW-N28-02, CW-N33-01, CW-N35-03 and CW-N36-01. (GAW)

Mr. Mike Berg
May 16, 2025
Page 3 of 3

13. Please revise Section 4.1.2 (Post-Mining Topography and Land Use Map) to not show potential post-mining prime farmland landscapes in the pool areas of constructed seasonal or permanent wetlands. This would include constructed wetlands CW-N26-02, CW-N26-03, CW-N27-03, CW-N35-02, and CW-N35-03. (GAW)

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)

Freedom Mine\Permits\NACT - 0401\Revisions & Renewal\Rev52_Ren4\Rev52_Tech1_rvw_ltr_5-16-25