



June 2, 2025

Mr. Jonathan Emmer

Public Service Commission  
600 East Boulevard Ave  
Dept 408  
Bismarck, ND 58505-0480  
ndpsc@nd.gov  
701-328-2400

RECEIVED

JUN 4 2025

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 Permit Application for Revision 52 to Surface Coal Mining Permit NACT-0401 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 is a FEMA National Flood Insurance Program (NFIP) regulatory floodplain identified or mapped where this proposed project is to take place. Impacted areas are designated to be in NFIP Zone A. The State of North Dakota has no formal NFIP permitting authority, as all NFIP permitting decisions are considered by impacted NFIP participating communities, which is the community with zoning authority for the area in question. Please work directly with the local floodplain administrator of the zoning authority impacted to achieve NFIP and community compliance.
- Any work that takes place within or changes to a previously constructed structure within the ordinary high water mark (OHWM) of the Knife River will require prior authorization from DWR. For further information, feel free to contact DWR's Sovereign Land Specialist at 701-328-4988 or awinkelman@nd.gov.
- If surface water or groundwater will be diverted for construction or operation of the project, or water will be put to a beneficial use other than solely for the purpose of sedimentation control during mining activities, a water permit is required per North Dakota Century Code § 61-04-02. Please consult with the Water Appropriations Division of the Department of Water Resources at (701) 328-2754 or appropinfo@nd.gov if you have any questions.
- The DWR Regulatory Division's Engineering and Permitting Section reviewed Revision 52 to PSC Mining Permit NACT-0401 and determined no drainage permits, or construction permits for dikes, diversions, or restorations are required.
- In response to the request for review of Coteau Properties Company's Revision 52 to Permit NACT-0401. The report included updates to groundwater hydrology. The revisions list M78-P01 as a well that is confined pre-mining and lists it as an example of a well that reflects lower potentiometric head near the outcropping of the lignite beds. Review of the hydrograph shows the aquifer is mainly confined at the observation well, suggesting that the report may have intended to reference another observation well. The remaining revisions appear satisfactory, but it is important to note that water cannot be put to beneficial use, for example, for dust suppression, without a water permit from the Department of Water Resources.

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,

A handwritten signature in cursive script that reads "Kyle Yrkoski". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Kyle Yrkoski  
Planner III

KY:mg/1570