

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Coteau Properties Company**  
**Variance, Permits NACT-8203 and NACT-8503**  
**Approval**

**Case No. RC-07-783**

**VARIANCE TO THE PERFORMANCE BOND LIABILITY**  
**PERIOD OF A SURFACE COAL MINING PERMIT**

**March 25, 2009**

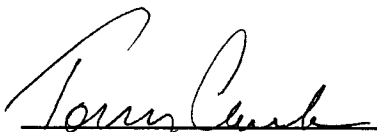
Based on the application received on December 10, 2007, a variance to the Ten-Year Performance Bond Liability Period for portions of Surface Coal Mining Permits NACT-8203 and NACT-8503 is hereby granted to The Coteau Properties Company to combine the performance bond responsibility period for a former haulroad and reclaimed areas that were re-disturbed to repair settling features and other drainage improvements with that of the surrounding reclamation tracts. The variance is approved for the following described areas:


**Approximately 44 acres of reclaimed cropland in Permit NACT-8203 and 37 acres of reclaimed cropland in Permit NACT-8503, all within Section 20, T145N, R87W, Mercer County.**

Based on the application for the variance to Permits NACT-8203 and NACT-8503 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The Coteau Properties Company has affirmatively demonstrated that reclamation of the areas reclaimed in 2006 and the repair of reclaimed lands in 2003, 2005 and 2007 will provide equal or greater protection to the environment and to public health and safety;
2. The Commission has determined that all areas are reclaimed and vegetation is established as required by the approved reclamation plan; and
3. The Coteau Properties Company must satisfy all reclamation success standards described in NDAC Chapter 69-05.2-22 when final bond release is requested for the reclaimed tracts that contain the variance areas.

**PUBLIC SERVICE COMMISSION**

  
**Tony Clark**  
**Commissioner**

  
**Kevin Cramer**  
**President**

  
**Brian P. Kalk**  
**Commissioner**