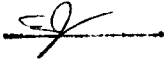


**APPROVED**

DATE: 6-19-08



**MOTION**

**June 19, 2008**

**Coteau Properties Company  
Renewal No. 5, Permit NACT-8203  
Approval**

**Case No. RC-08-108**

I move the Commission approve Renewal No. 5 to Surface Coal Mining Permit No. NACT-8203, held by the Coteau Properties Company, to extend the permit term another five years, until July 6, 2013.

JRD, DKM & GAW


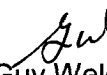

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**PUBLIC SERVICE COMMISSION**  
**Reclamation Division**

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**Memorandum**

**TO:** Commissioners Wefald, Cramer and Clark  
Illona Jeffcoat-Sacco, Executive Director  
Bill Binek

**FROM:**  Jim Deutsch,  Dean Moos and  Guy Welch

**DATE:** June 11, 2008

**SUBJECT:** Application for Renewal No. 5 to Permit No. NACT-8203 held by the Coteau Properties Company, Case No. RC-08-108

On March 6, 2008, Coteau Properties Company filed the application for Renewal No. 5 to Permit No. NACT-8203 to continue to conduct mining operations within the existing permit area until July 6, 2008. Permit No. NACT-8203 contains 1,155.387 acres and covers portions of Sections 7, 8, 17, 18, and 20, T145N, R87W, Mercer County. The Reclamation Division has completed its review of this five-year permit renewal and respectfully recommends that it be approved.

Coteau applied for this renewal since haulroads, stockpiles, ponds, and conveyor in this permit area are still being used to support current mining activities in other areas. Coal removal from this permit area was finished several years ago. At the time Coteau filed this renewal application, they also filed the application for Revision No. 27 to Permit NACT-8203 to update ownership and control information, operations and reclamation plans and other information for the next five-year permit term. This insignificant revision application will be approved just prior to Commission action on the renewal application.

Coteau Properties Company has submitted the affidavits of publication of the newspaper notice. We notified the appropriate agencies, affected landowners and the advisory committee members. We received no objections to this renewal application. Evidence of adequate performance bond and liability insurance are currently on file. This and other permits at the Freedom Mine are covered by self and collateral bonds totaling \$88,000,000.

Attached for your consideration are the proposed motion and renewal approval form.

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

**Coteau Properties Company**  
**Renewal No. 5, Permit NACT-8203**  
**Approval**

**Case No. RC-08-108**

**RENEWAL OF PERMIT TO ENGAGE IN**  
**SURFACE COAL MINING AND RECLAMATION OPERATIONS**

**June 19, 2008**


Based on the renewal application received on March 6, 2008, Renewal No. 5 for Surface Coal Mining Permit Number NACT-8203 is hereby granted to the Coteau Properties Company to renew this surface coal mining permit subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, and the rules promulgated there under, on the following described areas:

**Portions of Sections 7, 8, 17, 18, and 20, T145N, R87W, Mercer County, totaling 1,155.387 acres.**

This five-year permit renewal will allow the Coteau Properties Company to continue to operate under approved mining and reclamation plans until July 6, 2013. Permit No. NACT-8203 and other permits at the Freedom Mine are currently covered by Self-Bond SB-9501-01 and Collateral Bond CB-9501-4 totaling \$88,000,000.

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Tony Clark**  
**Commissioner**

  
\_\_\_\_\_  
**Susan E. Wefald**  
**President**

  
\_\_\_\_\_  
**Kevin Cramer**  
**Commissioner**