

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Coteau Properties Company
Variance, Permit NACT-9101
Approval

Case No. RC-08-576

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

March 25, 2009


Based on the application received on July 16, 2008, a variance from the Ten-Year Performance Bond Liability Period for a portion of Surface Coal Mining Permit No. NACT-9101 is hereby granted to The Coteau Properties Company to combine the performance bond responsibility period for lands that were used for sediment ponds and soil stockpiles and reclaimed areas that were re-disturbed by the repair settling features and other drainage improvements with that of the surrounding reclamation tract. The variance is approved for the following described areas:

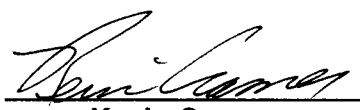
Approximately 64.3 acres of ponds and stockpile sites that were reclaimed to cropland in 2000 and 15 acres of previously reclaimed cropland that were re-disturbed in 2007 by repairing settling features and drainage improvement work. These areas are located in Section 22, T145N, R86W, Mercer County.

Based on the application for the variance to Permit Number NACT-9101 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 2000 and the repair of reclaimed lands in 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