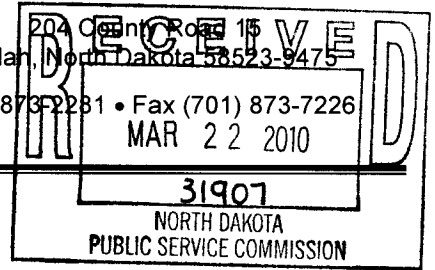


SCANNED
Date 3.23.10 (31907)
File CT_3-19-10_revR_submittal

THE COTEAU PROPERTIES COMPANY

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

FREEDOM MINE



March 19, 2010

Mr. James R. Deutsch
Director Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

Dear Mr. Deutsch:

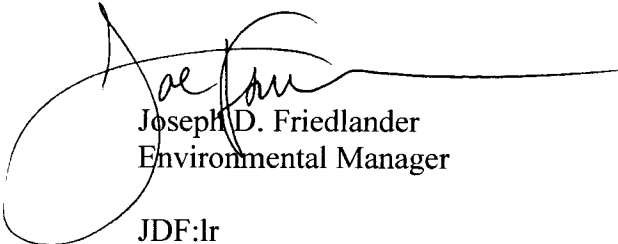
Enclosed are three DVD's containing Revision 8 to Permit NACT-0201. This revision adds federal coal mining to the permit for most lands south of County Road 26, in the south part of this permit area. Federal coal leases have been secured, the Resource Recovery and Protection Plan and royalty rate reduction application have been approved, and this permit revision application is being submitted to obtain federal mine plan approval. Also enclosed are the original revision application form, and a proposed newspaper publication.

The primary substantive changes associated with this revision are the addition of federal coal and revision of the proposed post-mining topography, including expansion of the proposed post-mining topography plans to cover most of the area south of County Road 26. As a result, we've also updated the pre- and post-mining probable hydrologic consequences section and post-mining land use plans, including new details for post-mining wetlands and stockponds. Existing previously approved sections of the permit should not require new review, as the permit was just updated for renewal last year.

If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY



Joseph D. Friedlander
Environmental Manager

JDF:lr
Enc.

1 RC-10-71 Filed: 3/22/2010 Pages: 4
Revision Filed to Mine Federal Coal Tracts and Make other Changes



Coteau Properties Company
Joe Friedlander



**APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS**
PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 10562 (Rev. 08-2001)

Date 3.23.10

File Rev & application (3907)

Date March 19, 2010	
Revision Number 8	
State ND	Zip Code 58523

Name of Company, Corporation, Partnership, or Individual The Coteau Properties Company	Permit Number NACT-0201
Address 204 County Road 15	City Beulah

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.

See Attachment 1

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
Freedom Mine	N/A				
ADDRESS					
204 County Road 15					
Beulah, ND 58523					
TOTAL ACRES	N/A				

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ -0-, is included with the revision application.

Name of Official Authorized to Represent the Applicant William R. Kirk

I, the above named, certify that:

1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
2. Information and documentation contained in the permit application affirmatively demonstrate that:
 - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
 - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
 - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
 - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
 - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
 4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

Signature of Official <i>William R. Kink</i>	Title Staff Mining Engineer
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VERIFICATION

I, Joseph D. Friedlander, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

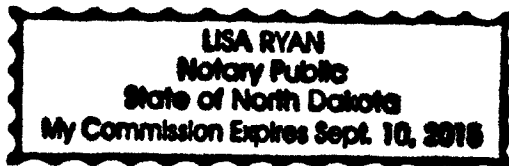
Signature of Official <i>[Signature]</i>	Title Environmental Manager
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Subscribed and sworn to before me this 19th day of March, 20 10. My commission expires: 09/10/15.

Lisa Ryan

Notary Public

(SEAL)



This revision adds federal coal mining to the permit for most lands south of County Road 26, in the south part of this permit area. Federal coal leases have been secured, the Resource Recovery and Protection Plan and royalty rate reduction application have been approved, and this permit revision application is being submitted to obtain federal mine plan approval. The proposed post-mining topography is being updated to reflect the mining of federal coal, as well as modifications to the mine plan based on projected mining operations and spoil placement in the field. In conjunction with operations - general updates to address federal coal mining and an update to the proposed post-mining topography south of County Road 26, surface water hydrology, surface water management, post-mining land use plans, post-mining wetlands, and post-mining stockponds are updated for most lands south of County Road 26. These include a minor modification to operational water management near the boxpit, a new and expanded comparison of pre- and post-mining surface water runoff (probable hydrologic consequences), minor changes in post-mining land use configurations, and additional details for post-mining wetlands and stockponds. Business entity/compliance information and identification of interests and rights of entry are also updated for this revision.