

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

**Coteau Properties Company**  
**Revision No. 8, Permit NACT-0201**  
**Approval**

**Case No. RC-10-71**

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

**January 12, 2011**

Based on the application for **Revision Number 8 to Permit Number NACT-0201 received March 22, 2010**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on March 22, 2010, is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code.
2. The applicant has received a federal lease covering 5,333.56 acres of federal coal within the permit area; however, Commission approval of mining and reclamation plans for the federal coal tracts is limited to the following federal coal tracts: Lots 3 and 4 and S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 2; Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$  of Section 4; Lots 1 through 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$  of Section 6; N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 8, all within T144N, R88W; and the N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26; N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 34, all within T145N, R88W. As required by Special Condition No. 1 for Permit NACT-0201, no coal removal on these tracts may occur until the U.S. Department of the Interior approves the federal mine plan pursuant to 30 CFR 746.11. Until that mine plan is approved, surface disturbances on the federal coal tracts must be limited to those activities that are needed for carrying out mining on the adjoining tracts where the coal interests are privately owned.
3. Performance bonds in the total amount of \$102,000,000 are currently sufficient for the proposed mining and reclamation operations in the consolidated bond area for the Freedom Mine that include Permit NACT-0201.
4. The Commission's other findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

**Revision Number 8 to Permit Number NACT-0201 is hereby granted to The Coteau Properties Company to extend mining onto most of the federal coal tracts located south of County Road 26 within the existing permit area, modify operations and reclamation plans to include this additional mining, and to update other information and plans in this permit as described in the revision application received March 22, 2010.**

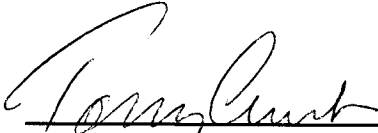
The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

**PUBLIC SERVICE COMMISSION**



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**Kevin Cramer**  
Commissioner



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**Tony Clark**  
Chairman



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**Brian P. Kalk**  
Commissioner