



Public Service Commission

State of North Dakota

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August 13, 2010

Mr. Joe D. Friedlander
Environmental Manager
Coteau Properties Company
204 County Road 15
Beulah, ND 58523-9475

Dear Mr. Friedlander:

The Reclamation Division has conducted a technical review of the application for Revision No. 15 to Surface Coal Mining Permit No. NACT-0401 that was submitted in response to our pre-renewal review of the permit. The following items must be adequately addressed prior to revision approval:

Section 1.1 - Introductory Information

1. The Revision Summary Pages in Section 1.1.2 indicate that changes were made to the Transportation Facilities Narrative on pages 2 and 3 of Section 3.2.1; however, no changes were noted on page 3, other than the fact that the Reclaimed Public Roads narrative is now on page 3 instead of page 2. Please indicate what changes were made to page 3 or eliminate the reference to page 3 in the Revision Summary Pages listing, assuming that was a typographical error. (BEB)

Section 1.3 - Business Entity/Compliance Information

2. Please update the Schedule of Violations in Section 1.3.3 to include the current status of NOV-1003 for the Freedom Mine. (BEB)
3. It does not appear that there are entries in Section 1.3.3 - Schedule of Violations for two mines operated by the wholly-owned subsidiaries of North American Coal, Eagle Pass Mine (Dos Republicas Coal Partnership) and Five Forks Mine (Five Forks Mining, L.L.C.). Please update this section to include the schedule of violations for these two mines as required by NDCC 38-14.1-14(1)(g). (SAS)

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Section 1.5 - Identification of Interests and Right of Entry

4. The hyperlink to the "Certificate of Authenticity of Documents" does not appear to function properly. Please repair as necessary. (SAS)

Section 1.5.1 - Permit Area Surface and Coal Interests

5. It appears that Barry and Carla Morast have not signed the new coal lease amendment for Tract 12. If they have signed the lease amendment, please include a signed copy in the permit. (SAS)
6. The signature page for Agnes E. and LeRoy Luft for Tract 38 does not appear to have been recorded because it does not bear the stamp from the county recorder's office. Please include the page necessary to indicate that the signature page has been properly recorded. (SAS)

Section 1.5.2 - Adjacent Surface...Information

7. Please correct as necessary the following ownership listings that appear to be inconsistent with the Surface and Coal Ownership Map in Section 1.5.3: the west 10 acres of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24; the 2.5 acre tract in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ in Section 33; and, the ownerships for the N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33. (SAS)

Section 2.3 - Ground Water Hydrology

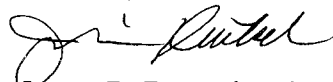
8. Please update the Summary of Certified Wells and Springs spreadsheet of Section 2.3.7.1 if additional, follow-up or new certifications have been completed within or adjacent to the permit area from that which is currently provided in the permit. (BEB)

Consolidated Wildlife and Habitat Monitoring Plan

9. The Monitoring Area Map of Section B-2 only partially opens to show a small section of the aerial photograph and two lines of the title box. Please repair the drawing so that it opens completely. (BEB)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch, Director
Reclamation Division

c: Mercer County Auditor
PO Box 39
Stanton ND 58571